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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

20 Cr. 160 (MKV)

5 SETH FISHMAN and  
6 LISA GIANNELLI,

7 Defendants.

Trial

8 -----x

New York, N.Y.  
January 21, 2022  
9:30 a.m.

10 Before:

11 HON. MARY KAY VYSKOCIL,

12 District Judge  
13 -and a Jury-

14 APPEARANCES

15 DAMIAN WILLIAMS

United States Attorney for the  
Southern District of New York

16 BY: ANDREW C. ADAMS  
SARAH MORTAZAVI  
17 ANDEN F. CHOW  
Assistant United States Attorneys

18 SERCARZ & RIOPELLE, LLP

Attorneys for Defendant Fishman

19 BY: MAURICE H. SERCARZ  
20 -and-

LAW OFFICE OF MARC FERNICH

21 BY: MARC A. FERNICH

22 FASULO, BRAVERMAN & DiMAGGIO, LLP

Attorneys for Defendant Giannelli

23 BY: LOUIS V. FASULO

24 ALSO PRESENT: KARLINE JUNG, Paralegal Specialist  
25 SEAN McCABE, Paralegal Specialist

SOUTHERN DISTRICT REPORTERS, P.C.



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(In open court; jury not present)

THE COURT: Good morning, everyone.

Let me have appearances for the record. For the government?

MS. MORTAZAVI: Good morning, your Honor, Sarah Mortazavi, Andrew Adams, Anden Chow and Karline Jung from our office.

THE COURT: Good morning, everyone.

For the defendant, Mr. Seth Fishman.

MR. SERCARZ: For defendant Fishman, Maurice Sercarz and Marc Fernich. The defendant is present in court.

THE COURT: Good morning, gentlemen.

MR. FASULO: Good morning, your Honor, Louis Fasulo along with Sean McCabe, Ms. Giannelli is in the audience and our intern, Mattie Stewart, is here as well.

THE COURT: Thank you. I hope everyone had a good evening. I came out before we bring the jury out because when we broke yesterday Mr. Fasulo had proposed that we put on the record the stipulation regarding the current witness who is testifying remotely and what you all agreed in terms of what she would have access to and what the rules would be.

So who is prepared to address that?

MR. ADAMS: Your Honor, I can speak to that and speak to both the discussions and agreements that we have had with defense counsel as well as the instructions that have been



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1 given to Ms. Adams for several days now.

2 So Ms. Adams has been provided with a copy of her  
3 government exhibits, it's the same binder that the Court has,  
4 it's the same binder that defense counsel has, and that is what  
5 she is holding in front of her, and she has been referring to  
6 that through her testimony.

7 I have also provided to her counsel a copy of her full  
8 set of 3500 material so that, if needed for refreshment on  
9 direct or cross, she can be referred to those documents. But I  
10 have instructed her counsel that she should not share the 3500  
11 material with Ms. Adams before being instructed to do so and  
12 she has not been instructed to do so.

13 Then with respect to where she is physically, she is  
14 testifying from her residence in Florida. Her counsel is in  
15 the residence to be on hand if needed and to deliver the 3500  
16 material. Her counsel, though, is outside of the room where  
17 she's testifying. Ms. Adams has been instructed that she can't  
18 be communicating with anyone during the course of her  
19 testimony, including her counsel.

20 THE COURT: And she doesn't have any devices or cell  
21 phones, laptops, iPads in front of her?

22 MR. ADAMS: She's been working through a computer, but  
23 she's been instructed not to communicate with anybody at any  
24 point, and the only exhibits she's referring to are the  
25 government exhibits that are put in front of her for the



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1 purposes of her testimony.

2 THE COURT: All right. Is that consistent with the  
3 defendants' understanding?

4 MR. FASULO: Yes, Judge. My only concern for the  
5 Court to consider is I thought it was important that Ms. Adams  
6 actually confirm that.

7 THE COURT: You're absolutely right. I was going to  
8 say when we first have her log on, we have to have her confirm  
9 that.

10 MR. ADAMS: Sure. For efficiency sake, I'm happy to  
11 call her.

12 THE COURT: That's fine. Let me confirm with  
13 Mr. Sercarz that's consistent with your understanding of what  
14 was agreed to.

15 MR. SERCARZ: It is, your Honor.

16 THE COURT: Thank you. So let's get Ms. Adams on the  
17 line, ask for her to confirm.

18 (Pause)

19 THE COURT: Was that a voice mail or did you actually  
20 reach her?

21 MR. ADAMS: That was her.

22 THE COURT: Good morning, Ms. Adams, are you able to  
23 hear me?

24 THE WITNESS: Yes, I am. Good morning.

25 THE COURT: Good morning. As a reminder, you remain



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1 under oath, Ms. Adams.

2 THE WITNESS: Yes.

3 THE COURT: I'm going to ask Mr. Adams to put on the  
4 record the agreement between the parties about the rules that  
5 are going to govern your testifying remotely, and we would like  
6 you to please confirm that that is your understanding and that  
7 you are complying with these rules, please.

8 THE WITNESS: Okay.

9 MR. ADAMS: So Ms. Adams, you have been provided with  
10 a copy of a binder containing government exhibits, is that  
11 correct?

12 THE WITNESS: Correct.

13 MR. ADAMS: And those include the exhibits that we  
14 admitted yesterday on the record as well as a copy of what's  
15 been marked as Government Exhibit 402HH and Government  
16 Exhibit 11000 which has not yet been offered, is that correct?

17 THE WITNESS: Let me just double-check.

18 I have the one binder. Is the 402 in the secondary  
19 binder?

20 MR. ADAMS: 402 should be in the binder in front of  
21 you in numerical order.

22 THE WITNESS: There it is, sorry.

23 MR. ADAMS: And at the very back, the only additional  
24 exhibit what we haven't talked about yet is Exhibit 11000. Do  
25 you see that one?



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1 THE WITNESS: Yes.

2 MR. ADAMS: Okay. Your counsel has been provided with  
3 a copy of your what's called 3500 material or prior statements,  
4 is that correct?

5 THE WITNESS: Yes.

6 MR. ADAMS: But that has not been provided to you,  
7 correct?

8 THE WITNESS: No.

9 THE COURT: No, it's not correct, or no, it has been  
10 provided to you?

11 THE WITNESS: It has not been provided to me.

12 THE COURT: Thank you.

13 MR. ADAMS: Thank you, your Honor.

14 Ms. Adams, are you testifying again today from your  
15 residence?

16 THE WITNESS: I am.

17 MR. ADAMS: Is your counsel going to be present in  
18 your residence today?

19 THE WITNESS: I don't believe so.

20 MR. ADAMS: Yesterday was your counsel present at your  
21 residence?

22 THE WITNESS: Yes.

23 MR. ADAMS: Was he in a different room than the one  
24 you were testifying in?

25 THE WITNESS: Yes.



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1 MR. ADAMS: Have you been instructed and have you  
2 followed the instruction to not communicate with anyone during  
3 the course of your testimony other than with me in court?

4 THE WITNESS: Yes.

5 MR. ADAMS: Anything further that your Honor would  
6 like to confirm?

7 THE COURT: Not from the Court.

8 MR. FASULO: Not from defendant, your Honor.

9 THE COURT: Mr. Sercarz?

10 MR. SERCARZ: No, your Honor, thank you.

11 THE COURT: Thank you very much, Ms. Adams. We'll be  
12 back with you shortly after the jury returns. Okay?

13 THE WITNESS: Okay.

14 MR. ADAMS: Ms. Adams, you can log off again and I  
15 will again give you a call and tell you when to log back on.

16 THE WITNESS: Okay.

17 THE COURT: Thank you very much. Is there anything  
18 else for the record before we bring the jury out?

19 Anything from you, Mr. Adams?

20 MR. ADAMS: Yes, your Honor. I would request the  
21 Court instruct people sitting in the gallery to not encroach on  
22 the jury during the course of the trial, and in particular, to  
23 not peer over the back edge of the jury box in a way that might  
24 give access to what the jurors might be writing in their notes.  
25 That was something that was reported to be happening yesterday



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1 and it should not happen.

2 THE COURT: I couldn't agree more. For those of you  
3 who are sitting behind the bar there, first, you need to be  
4 socially distanced. I was trying to observe yesterday and  
5 wasn't 100 percent sure that the people in the very back were  
6 distanced, but I can't always tell from here what row you're  
7 in. So you need to be six feet apart from one another and  
8 nobody should go behind where that juror box is. You shouldn't  
9 be there, never mind peering over.

10 This is the only side available for people who are not  
11 in the well of the courtroom. If this section is full, people  
12 need to go to the overflow courtroom.

13 Thank you. Anything from you?

14 MR. FERNICH: Your Honor, one quick thing, and I  
15 apologize for not broaching with the government earlier, it  
16 just slipped my mind. Can the witness physically see the  
17 defendants from where she is?

18 We understand Covid and the remote restrictions and  
19 don't have any problem with them, we stipulated to them, but to  
20 effectuate the defendants' right to confrontation, it would be  
21 ideal if we could maximize the degree to which both the witness  
22 and the defendants can see one another, because that's truly  
23 the confrontation right. And to the degree that we could  
24 accommodate the remote situation and Covid consistent with  
25 that, that would be ideal. So maybe if somebody could inquire



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1 to the extent to which she can actually see them.

2 THE COURT: First of all, I think you have the screen  
3 in front of you and you can see, I believe, what we the  
4 witnesses see.

5 MR. FERNICH: There was no problem. He could see her  
6 from where he was yesterday on the big screen and he could see  
7 from here. The issue from my perspective is more as to whether  
8 she can see, and the case law the old song: Look me in the eye  
9 and say that, look me in the eye and say that. So my issue is  
10 whether she, the witness, can see them.

11 MR. ADAMS: Your Honor, the witness can see what's on  
12 the screen. She can see Mr. Fishman, she can see  
13 Ms. Giannelli, they're both on the screen. She can see me when  
14 I'm examining. And she'll take the instruction later when I  
15 signal her to turn her mic on and off, she can do that, we  
16 tested yesterday, she can see that, and there was no objection  
17 yesterday as to this.

18 THE COURT: We can confirm that with her. The size of  
19 the screen is what it is, I appreciate that, but I don't really  
20 see what the issue is.

21 MR. FERNICH: The issue, Judge, is the aerial view.

22 THE COURT: What would you like me to do about that,  
23 sir?

24 MR. FERNICH: I would like to be able for her to see.  
25 And I understand there's another issue that's been sealed, so



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1 I'm speaking with respect to Dr. Fishman primarily now, I would  
2 like to, if we can arrange it, for her to be able to see his  
3 face.

4 THE COURT: Mr. Adams?

5 MR. ADAMS: The protocol that we have had in place  
6 since before this jury was even selected has not come up once.  
7 It's been completely apparent what the aerial view looks like  
8 the entire time we have been testing this and talking about it.  
9 The witness can see Dr. Fishman. I am looking at the screen, I  
10 can see Dr. Fishman, I can see Ms. Giannelli, the Court can see  
11 both of them. And it's a little late in the day to try to  
12 rearrange the tech in an effort to get beyond what is already  
13 an agreed-upon protocol.

14 THE COURT: I have to say, Mr. Fernich, I agree with  
15 that. And the Court last week, when we had the pretrial  
16 conference, the government requested leave for access to the  
17 courtroom, and I believe Mr. Fasulo did. I don't recall  
18 whether your team did, but I said on the record that anyone who  
19 wanted access to the courtroom to deal with AV issues or to  
20 view how everything was working could be in touch with my  
21 courtroom deputy and make arrangements.

22 I know that some parties did, but I also understand  
23 some parties did not. For you now, three days into us all  
24 being assembled here in connection with this trial, to raise is  
25 the issue is untimely. There's nothing I can do right now



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1 about this issue.

2 MR. FERNICH: I appreciate your Honor's point.  
3 Obviously, tech is a fluid situation. We just resolved the  
4 other day the issue of Dr. Fishman's presence at the table.  
5 And we're all trying to work consistent with the Covid  
6 protocols. And to be very clear, we don't have any problem  
7 with the issue of remote testimony. I'm familiar with *Maryland*  
8 *v. Craig*, all of that. I want to work with everybody, get the  
9 trial going and deal with it consistent with Covid.

10 To the extent that we can work the tech so that she  
11 can see his face, that's really the essence of the  
12 confrontation right. And obviously we didn't insist on literal  
13 physical confrontation because I think this arrangement  
14 survives under applicable precedent, but to the extent, even by  
15 moving Dr. Fishman around, and I get there's a jury here, I  
16 would like her, if we can, to be able to see his face.

17 THE COURT: All right. Your points are noted. Is  
18 there anything else for the record?

19 MR. SERCARZ: No, your Honor.

20 MR. FASULO: Nothing, your Honor.

21 MR. ADAMS: Nothing, your Honor.

22 THE COURT: Anything else, Mr. Sercarz?

23 MR. SERCARZ: No, your Honor, thanks.

24 THE COURT: Ms. Popper, please let the Ms. Dempsey  
25 know that we're ready for the jury.



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1 LAW CLERK: Yes, Judge.

2 MR. ADAMS: Your Honor, would you like me to call  
3 Ms. Adams and get her on the stand, so to speak?

4 THE COURT: You can have her on the screen but with  
5 her microphone turned off.

6 MR. ADAMS: Your Honor, there's one audio exhibit I  
7 expect to play during the examination. We tested the speaker  
8 here earlier, and I don't expect this is going to happen before  
9 the morning break, but we can test it again with the Court  
10 present to make sure that you can hear it at the bench, but it  
11 sounded audible.

12 THE COURT: It should be fine.

13 MR. ADAMS: And at the break we have sets of jury  
14 binders with the draft transcripts that are prepared. The  
15 defense --

16 THE COURT: Of the recording, you mean?

17 MR. ADAMS: Transcripts of all the recordings. But  
18 what we ask is to distribute those and have the jurors be  
19 instructed that they only open the transcript that they're  
20 directed to open.

21 THE COURT: Have you shared that binder of transcripts  
22 with the defendants?

23 MR. ADAMS: The exhibits that the binders are derived,  
24 but again, we won't do this before the break.

25 THE COURT: But before you hand them to the jury you



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1 clearly have to give them to the defendants and hear whether  
2 they have any issues.

3 MR. ADAMS: Absolutely.

4 THE COURT: Our jurors are going to enter shortly.

5 Sir, by the back door, you cannot keep getting up and  
6 walking past the jurors. You can stand there or leave, but  
7 decide right now, because the jury is about to enter.

8 All right. Ms. Dempsey, we're ready.

9 (Continued on next page)

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Adams - Direct

1 (Jury present)

2 THE COURT: Good morning, ladies and gentlemen. Thank  
3 you for being here. I hope everyone had a good evening.

4 All right, Mr. Adams.

5 MR. ADAMS: Thank you, your Honor.

6 THE COURT: Ms. Adams is with us.

7 Ms. Adams, you are still under oath. You understand  
8 that?

9 THE WITNESS: Yes, I do.

10 THE COURT: Thank you.

11 COURTNEY DIANE ADAMS, (Continued)

12 having been previously sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. ADAMS:

15 Q. Good morning, Ms. Adams.

16 A. Good morning.

17 Q. When we were together yesterday we were talking about the  
18 beginning of your time at Equestology and we were talking about  
19 the time period around 2012, 2013. Let me turn you back to  
20 that period for a moment. And before I do that, let me ask you  
21 to turn in the exhibit binder in front of you to what has been  
22 marked for identification as 402H.

23 A. Okay.

24 Q. Do you recognize that document?

25 A. Yes.



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Adams - Direct

1 Q. What is it?

2 A. It's a series of texts between Seth and I.

3 Q. Do those texts relate to your work at Equestology?

4 A. Yes, they do.

5 MR. ADAMS: Your Honor, I would briefly like to read  
6 from what's already in evidence as Government Exhibit 9008,  
7 which is the stipulation related to electronic devices, and  
8 specifically to refer to one more device in the chart that I  
9 mentioned yesterday. Again, columns A and B reflect the  
10 locations and dates where each respective device was seized,  
11 and column C refers to the government exhibits extracted from  
12 that device.

13 For present purposes, I point to the second line of  
14 the stipulation: An Apple iPhone 7 Plus in column B seized  
15 from Seth Fishman's person on April 1st, 2019, and the exhibits  
16 related thereto are 402B through 402H.

17 On the basis of the stipulation and Ms. Adams'  
18 testimony, I offer 402B through 402H.

19 MR. SERCARZ: No objection.

20 THE COURT: Mr. Fasulo?

21 MR. FASULO: No objection, Judge.

22 THE COURT: It will be admitted.

23 (Government's Exhibits 402B though 402H received in  
24 evidence)

25 MR. ADAMS: Thank you, your Honor.



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Adams - Direct

1 BY MR. ADAMS:

2 Q. Ms. Adams if we could now look at 402H.

3 MR. ADAMS: And Ms. Jung, if you could please, for the  
4 jury, put up 402H, and if we could blow up the first two lines.

5 Q. In particular, Ms. Adams, focusing on the first two lines  
6 here, can you tell me the date that appears on those messages?

7 A. January 1st, 2013.

8 Q. And what is the discussion in these two lines relating to?

9 A. Labels for the products.

10 Q. Which products are those?

11 A. The products that Seth was making.

12 Q. What was being conveyed to you about the labels at that  
13 time?

14 A. That a person named Ryan messed something up or that he  
15 was -- he was angry with him because he did not understand the  
16 conversation they had about designing the labels.

17 Q. With respect to the second message in this text reading:  
18 Ask him about cleaning up logos and if he has any memory of the  
19 Equestology logo and manipulating the E.

20 What did you understand Fishman to be referring to  
21 here?

22 A. On the Equestology logo, the E is larger, and that is kind  
23 of like the one letter that stands out in the logo. And he  
24 wanted him to make it cleaner so it was more pronounced, it  
25 wasn't lost in the logo, it was bold so the customer would see



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Adams - Direct

1 that first so it would look nice.

2 Q. In general, what was Fishman's role in designing logos for  
3 Equestology?

4 A. He would give me or anyone else designing them all the  
5 information to go on the logo, and then from there I would take  
6 it and edit it so it looked clean, orderly, professional  
7 looking.

8 Q. The logo itself, was that on a label or on some other part  
9 of the product?

10 A. It was on the label.

11 Q. And you referred to the information that went with that.  
12 What kind of information was included on Equestology labels?

13 MR. FASULO: Objection.

14 THE COURT: Grounds?

15 MR. FASULO: Generalization, Judge, all labels.

16 THE COURT: Lay a better foundation, please,  
17 Mr. Adams.

18 MR. ADAMS: Certainly.

19 Q. Ms. Adams, did you participate in designing one label or  
20 multiple labels?

21 A. Multiple labels.

22 Q. Did you design those labels at Fishman's direction or on  
23 your own initiative?

24 A. Fishman's direction.

25 Q. Did you include information relating to the contents of the



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Adams - Direct

1 products on all of the labels or only on some of the labels?

2 A. Kind of hard to answer. So they would always have  
3 ingredients, but sometimes it wouldn't list exactly what was in  
4 it, it would say proprietary blend.

5 Q. Did you ever ask Fishman what was in the proprietary blend  
6 for any Equestology products?

7 A. A few times, yes.

8 Q. What was his response?

9 A. That was protected information and he was allowed to put  
10 that on a label because it was his formula. He didn't have to  
11 disclose every single thing in it.

12 Q. Were there some products that had no label whatsoever?

13 A. Yes.

14 Q. And what kinds of products were those?

15 A. I'm not really sure what they were.

16 Q. Did you ever ask Fishman what those products were?

17 A. Yes.

18 Q. And what was his response to that?

19 A. That I didn't need to know the details.

20 Q. Those products, the unlabeled products, were those shipped  
21 outside of Equestology with no label on it?

22 A. Yes.

23 Q. And who directed you to ship unlabeled products?

24 A. Seth would, or I would get an order from Lisa, but then  
25 Seth would confirm that the items that Lisa Ranger had asked



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Adams - Direct

1 for were indeed the unlabeled products.

2 MR. ADAMS: Ms. Jung, if we could scroll down a bit to  
3 the next green block of text here.

4 Q. Ms. Adams, focusing on the first two lines from Fishman to  
5 you, what did you understand him to be conveying to you here?

6 A. That he was angry I was not working more, and that, in the  
7 second message, he is referring to Lisa Ranger making a certain  
8 amount of money and that if I put more time and initiative, I  
9 could do the same thing.

10 Q. What kind of work did you understand Fishman to be  
11 incentivizing you to perform?

12 A. Sales.

13 Q. And sales of what kinds of products?

14 A. Sales of all of the products that he made.

15 Q. In 2013, were you engaged in sales of Equestology products?

16 A. Not by myself, no.

17 Q. With other people?

18 A. No, what I mean is I didn't have clients of my own. So I  
19 would talk to clients of Seth's, sometimes they would send me  
20 their orders directly, but I was not their salesperson.

21 MR. ADAMS: If we could scroll down to -- still on the  
22 first page, but to the next gray text.

23 Q. Ms. Adams, do you see what's marked as line 4325?

24 A. Yes.

25 Q. And if you could look at that and then the text on the next



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Adams - Direct

1 page and let us know what this conversation is about, please.

2 A. Okay. It is me asking Seth about what we want.

3 THE COURT: Hold on. Can you scroll up? You want her  
4 to see the bottom of the one page and the top of the next page?

5 MR. ADAMS: Correct. I would like her to do I think  
6 what she's doing, then we'll walk through the conversation.

7 THE COURT: All right. The jurors and I cannot see  
8 the second part.

9 MR. ADAMS: We'll be scrolling through.

10 THE COURT: All right.

11 Q. Ms. Adams, if you could start with the top line, 4325.

12 A. That is referring to how much he wants me to put on a  
13 customs form for shipping product, how much he wants the  
14 product to be labeled as.

15 Q. What did you mean when you wrote bleeder?

16 A. That's the name of one of the products.

17 Q. From your time at Equestology, are you familiar with the  
18 purpose of bleeder?

19 A. No.

20 Q. Did you ever ask Seth what the purpose of bleeder was?

21 A. Yes.

22 Q. And what was his response?

23 A. To be honest, I don't remember. There was a lot of  
24 descriptions of things that I didn't really understand what  
25 exactly they did.



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Adams - Direct

1 Q. And you mentioned yesterday your educational background.  
2 What was your field of study?

3 A. Ecology and conservation biology.

4 Q. Have you ever studied veterinarianian medicine?

5 A. No.

6 Q. Have you ever studied pharmacology?

7 A. No.

8 Q. When you refer to customs forms, to where was Equestology  
9 shipping products?

10 A. For the most part, to the UAE.

11 Q. The United Arab Emirates?

12 A. Yes.

13 Q. Were there any other countries outside the United States to  
14 which Equestology shipped its products?

15 A. Yes.

16 Q. What countries were those?

17 A. Singapore, I know there's -- Saudi Arabia, and there may  
18 have been one or two others randomly but I can't remember what  
19 they were.

20 Q. On this line when you refer to having 970 ready to ship,  
21 that's 970 what?

22 A. Vials.

23 Q. Vials of what?

24 A. Of bleeder.

25 MR. ADAMS: And Ms. Jung, if you go to the next page,



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Adams - Direct

1 please.

2 Q. And focusing here on the top three lines, Ms. Adams, what  
3 did you understand Fishman's response to you to mean?

4 A. He says like 75 cents each, which means I would put each  
5 vial at a value of 75 cents.

6 Q. Were vials of the bleeder product sold for 75 cents?

7 A. No.

8 Q. Were they sold for more than 75 cents?

9 A. Yes.

10 Q. What was your understanding of why 75 cents was to be used  
11 on this customs form?

12 A. To keep the total commercial value under a certain limit.

13 Q. And what was your understanding of what the purpose of that  
14 false information to be?

15 A. I would assume to have duties and taxes --

16 MR. FASULO: Objection.

17 THE COURT: Sustained. Ms. Adams, you can't assume.  
18 If you know, you can testify to what you know.

19 THE WITNESS: I don't know for sure.

20 MR. ADAMS: Thank you.

21 Ms. Jung, if you could go now to the final page of  
22 this exhibit.

23 Q. Ms. Adams, if you could do the same, this is a green block  
24 of text. Could you look at this block of communications and  
25 tell us what the conversation is about?



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Adams - Direct

1 A. One moment, let me just review it real quick.

2 Okay.

3 Q. What is that exhibit about, or what is that conversation  
4 about?

5 A. It is about us all being somewhere together, and that I was  
6 going to meet with Dr. Vernon and Seth would be there as well,  
7 but I had invited a friend that they did not know and that he  
8 was not comfortable talking about anything in front of this  
9 person.

10 Q. So let me walk through some of that and clarify exactly who  
11 you're talking about.

12 Who was meeting together around this time?

13 A. Seth Fishman, Geoff Vernon, myself, and my friend referred  
14 to as Jeff.

15 Q. Your friend Jeff, does he spell his name with a J or G?

16 A. J.

17 Q. Who is Geoff Vernon?

18 A. Geoff Vernon is a vet.

19 Q. Did Geoff Vernon have any relationship with Equestology?

20 A. He bought products from us.

21 Q. And Geoff Vernon, does he spell his name with a G or J?

22 A. A G.

23 Q. And as you review this conversation, what, if anything, was  
24 Fishman conveying to you in this conversation?

25 A. That no business was going to be discussed as long as my



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Adams - Direct

1 friend Jeff was sitting there.

2 Q. And your friend Jeff is not Geoff Vernon, the vet, is that  
3 correct?

4 A. Correct.

5 Q. What was your understanding of the business that would be  
6 discussed but for the presence of your friend?

7 MR. FASULO: Objection.

8 THE COURT: Sustained.

9 Q. Ms. Adams, did you know what the business was that would be  
10 discussed but for the presence of your friend?

11 MR. SERCARZ: Objection.

12 THE COURT: She can answer yes or no. Did she know?  
13 We'll take it one question at a time.

14 A. Yes.

15 Q. And what was that business?

16 THE COURT: Sustained.

17 Q. Did Seth Fishman tell you what the business that would have  
18 been discussed but for the presence of your friend Jeff was?

19 A. Is this a yes or no question? It's a little more -- not as  
20 black and white.

21 Q. Did Seth tell you --

22 MR. FASULO: Objection and move to strike.

23 THE COURT: What are you striking?

24 MR. FASULO: The answer.

25 THE COURT: She didn't answer. That's denied. She



M1LTFIS1

Adams - Direct

1 asked a question.

2 Go ahead, Mr. Adams.

3 Q. Did Seth Fishman explain to you the business that would be  
4 discussed but for the presence of your friend?

5 A. Yes.

6 Q. And what did he explain to you?

7 MR. SERCARZ: Objection.

8 THE COURT: Grounds?

9 MR. SERCARZ: Not in furtherance.

10 THE COURT: Overruled.

11 You can answer.

12 A. They were to be discussing future products, development of  
13 products, use of products we already had, basically ongoing  
14 business and future business.

15 Q. If we could scroll down to the second to last line here.

16 A. Okay.

17 Q. On the second to last line where Fishman writes: No, you  
18 were talking to a U.S. Olympic vet and theoretically have an  
19 NDA. What is your understanding of what he meant by an NDA?

20 A. Non-disclosure agreement.

21 Q. Did you in fact have a non-disclosure agreement with  
22 Fishman?

23 A. No.

24 Q. Were you ever asked to enter into a non-disclosure  
25 agreement?



M1LTFIS1

Adams - Direct

1 A. Yes.

2 Q. Who asked you to do that?

3 A. Seth did.

4 Q. And did he explain the purpose for having you sign an NDA?

5 A. Yes.

6 Q. What did he tell you?

7 A. That it would protect him and I against me having to answer  
8 questions to anyone else about his business.

9 Q. Did he discuss who might be asking questions about his  
10 business?

11 A. Yes.

12 Q. And who were among the people that Fishman told you he was  
13 concerned would ask questions about his business?

14 A. There was quite a few people, the FDA, any regulatory  
15 person, basically any authority that has to do with horses.

16 Q. Ms. Adams, a question about the organization at  
17 Equestology. With respect to the labels that you were  
18 assisting in designing, would you store electronic copies of  
19 those labels?

20 A. Yes.

21 Q. And where would you store electronic copies of those  
22 labels?

23 A. In our Dropbox account.

24 Q. What is a Dropbox account?

25 A. It is a cloud-based system where you can store all kinds of



MLTFIS1

Adams - Direct

1 files and pictures.

2 Q. Who, if you know, set up the Dropbox account for  
3 Equestology?

4 A. I did.

5 Q. Who asked you to do that?

6 A. Seth Fishman.

7 Q. And apart from labels, did you maintain any other kind of  
8 documents or records on the Equestology Dropbox account?

9 A. Yes.

10 Q. Did the Dropbox account contain solely records related to  
11 Equestology business?

12 A. No.

13 Q. What other kinds of documents were found on the Dropbox  
14 account?

15 A. I had personal pictures and other items on there that were  
16 mine.

17 Q. And who had access to the Equestology Dropbox account?

18 A. Seth and I.

19 Q. Did anyone else have access to the Equestology account, so  
20 far as you know?

21 A. Mary Fox did at one point later down the road.

22 MR. ADAMS: Your Honor, I would like to briefly read  
23 into the record a portion of what's been marked for  
24 identification as Government Exhibit 9010. It's a stipulation.

25 THE COURT: All right. Do I have a copy of that?



M1LTFIS1

Adams - Direct

1 MR. ADAMS: I'm handing one up right now, your Honor.

2 THE COURT: Thank you.

3 Give us one minute, Mr. Adams.

4 MR. ADAMS: Certainly. And with the Court's  
5 permission, I will jump over the same preliminary paragraph  
6 regarding the parties that agree. It's the same as the  
7 original stipulation. That's all right?

8 THE COURT: Why don't you do it one more time.

9 MR. ADAMS: It is hereby stipulated and agreed by and  
10 among the United States of America by Damian Williams, United  
11 States Attorney for the Southern District of New York, Andrew  
12 C. Adams, Anden Chow and Sarah Mortazavi, Assistant United  
13 States Attorneys, of counsel, and Seth Fishman, the defendant,  
14 by his attorney, Maurice Sercarz, Esq., and Lisa Giannelli, the  
15 defendant, by her attorney, Louis Fasulo, Esq., that:

16 1. If called to testify at trial, a representative of  
17 Dropbox, Inc., referred to as Dropbox, would testify as  
18 follows: Government Exhibits 2001 through 2056, listed under  
19 column A in the chart appended to this stipulation, are true  
20 and correct copies of certain records and associated data for  
21 the Dropbox account associated with the user name  
22 seth@equestology.com, referred to here as the Equestology  
23 Dropbox account, maintained by Dropbox.

24 It's further stipulated and agreed by and between the  
25 parties that this stipulation, which is Government



M1LTFIS1

Adams - Direct

1 Exhibit 9010, may be received in evidence at trial. And it's  
2 signed by the parties.

3 It contains an appendix including the three columns  
4 relating to the exhibits referred to previously in the range of  
5 2001 through 2056.

6 The government, on the basis of the stipulation and  
7 Ms. Adam's testimony, offers first Government Exhibit 9010 into  
8 evidence, the stipulation itself.

9 THE COURT: It will be received.

10 (Government's Exhibit 9010 received in evidence)

11 MR. ADAMS: And the exhibits referred to on the  
12 appendix to 9010, which are in the range referred to in the  
13 stipulation.

14 THE COURT: Do you want to state the range for the  
15 record, please?

16 MR. ADAMS: 2001, which includes the subparts referred  
17 to in the appendix, through 2056.

18 THE COURT: They will be received.

19 (Government's Exhibits 2001 through 2056, including  
20 subparts, received in evidence)

21 MR. ADAMS: That's 2056, including the subparts  
22 referred to in the exhibit.

23 THE COURT: They're admitted.

24 MR. ADAMS: Thank you, your Honor.

25 Ms. Jung, if you wouldn't mind pulling up what's in



M1LTFIS1

Adams - Direct

1 evidence from yesterday as Government Exhibit 1908, please.

2 BY MR. ADAMS:

3 Q. And Ms. Adams, when you have that, can you tell us what  
4 this email chain is referring to?

5 A. Okay. It's an email from Lisa Ranger to me asking me to  
6 send product to a person called Richard Banca.

7 Q. Below that, the second email on the chain, what was your  
8 response?

9 A. Okay. What did you need sent? I will send it on Monday.

10 Q. What was your understanding, first, of who Doc was?

11 A. Doc is Seth Fishman.

12 Q. And do you know a person named Richard Banca?

13 A. No.

14 Q. Was Richard Banca ever a client of yours?

15 MR. FASULO: Objection. She doesn't know.

16 THE COURT: She will say that then.

17 MR. FASULO: She did.

18 MR. ADAMS: My question is Richard --

19 THE COURT: Don't back and forth. The objection is  
20 overruled.

21 A. No.

22 Q. Where Ranger says you can send them to me or them directly,  
23 what did you understand her to be directing you to do?

24 A. I can either send the order directly to Richard or to her.

25 Q. And from this email, did you know what "stuff" referred to?



MLTFIS1

Adams - Direct

1 A. Product that we made. It didn't specify.

2 Q. Before you would send products to a client of Ranger, how  
3 would you verify which products to send?

4 A. If she would -- if there was a list with names on them then  
5 I would know exactly what to send. Otherwise, I would have to  
6 confirm with Seth if it was just generalized.

7 Q. Did Equestology employ sales representatives?

8 A. On the books?

9 Q. At all.

10 A. Lisa was our sales rep, as far as I know.

11 Q. Could I ask you now to turn to the next exhibit in  
12 evidence, it's 1909.

13 A. Okay.

14 Q. Do you recognize this document?

15 A. Yes.

16 Q. What is this document?

17 A. This is a document that Lisa had with her of all the  
18 products that she sold.

19 Q. At the top, inventory travel sheet, where it reads  
20 inventory travel sheet --

21 MR. ADAMS: Ms. Jung, if you put up 1909.

22 MR. FASULO: Judge, I have an objection to the last  
23 question and answer, foundation.

24 THE COURT: Can you give me one moment?

25 I don't think the question was even finished. You



M1LTFIS1

Adams - Direct

1 started to ask a question and then he turned to his colleague  
2 and asked her to put the document up.

3 Let's hear the question and then I will entertain an  
4 objection if there is one.

5 MR. ADAMS: Thank you, your Honor.

6 Ms. Jung, this is in evidence, can you publish it for  
7 the jury, please?

8 BY MR. ADAMS:

9 Q. Ms. Adams, did you travel for purposes of selling  
10 Equestology products?

11 A. No.

12 Q. Does this document contain a full inventory of all  
13 Equestology products?

14 A. No.

15 Q. Did you maintain a base of clients in Delaware at any  
16 point?

17 A. No, I did not.

18 Q. Who, among the people at Equestology, maintained Delaware  
19 clients?

20 A. Lisa Ranger.

21 MR. ADAMS: And Ms. Jung, if we could focus in on two  
22 different portions, if it's possible to zoom in, first on the  
23 left hand column, midway down, the line reading EGH.

24 Q. Ms. Adams, do you see that line?

25 A. Yes.



M1LTFIS1

Adams - Direct

1 Q. Are you familiar with the acronym EGH?

2 A. Yes.

3 Q. What did EGH stand for?

4 A. Equine growth hormone.

5 Q. And just below EGH, where it reads endurance, from your  
6 time at Equestology, do you have an understanding of what  
7 endurance is?

8 A. No.

9 Q. Did you ever ask Seth Fishman what endurance is?

10 MR. FASULO: Objection.

11 THE COURT: She can say whether she asked him that or  
12 not.

13 A. Not to my knowledge, no.

14 Q. If we could go to the right-hand column at the top, and on  
15 the line reading hormone therapy pack. Did you ever discuss  
16 with Fishman the purpose of the hormone therapy pack?

17 A. No.

18 Q. And going down a bit to the line reading -- it's in the  
19 middle of the screen now -- oxytocin. Did Equestology sell  
20 oxytocin?

21 A. Yes.

22 MR. ADAMS: If we could please pull up now what's in  
23 evidence as Government Exhibit 1910.

24 Q. Ms. Adams, what is this conversation about?

25 A. It is about labels for certain products and making them



M1LTFIS1

Adams - Direct

1 easier to read, changing a few things on them.

2 Q. What was the product that you were discussing?

3 A. Pain shot.

4 Q. And from your time at Equestology, do you have an  
5 understanding of what pain shot is?

6 A. Not exactly, no.

7 Q. Did you ever discuss pain shot with Seth Fishman?

8 A. Possibly.

9 Q. Do you have a clear recollection of whether you did or not?

10 A. I know I asked him about almost everything, but the answers  
11 I do not remember.

12 Q. Could you tell us the date of the top email here?

13 A. November 22nd, 2015.

14 Q. By November of 2015 had your role changed at Equestology?

15 A. Yes.

16 Q. Where were you living at this time?

17 A. I might have been back in Idaho at this time.

18 Q. Did there come a time when you left Florida while you were  
19 still working for Equestology?

20 A. Yes.

21 Q. And at that time, when you left Florida, what role did you  
22 play in the company?

23 A. I was doing sales.

24 Q. One of the participants on the email, Mary Fox, who is Mary  
25 Fox?



M1LTFIS1

Adams - Direct

1 A. Mary Fox was the new office manager. She took over my old  
2 position.

3 Q. Did you ever discuss -- well, withdrawn.

4 Let's go to the bottom of this exhibit, the last --  
5 it's the last email in the chain.

6 MR. SERCARZ: Could I have the exhibit number again?

7 MR. ADAMS: 1910.

8 A. Okay.

9 Q. What was the -- what were you being asked or provided in  
10 this email?

11 A. The directions for the label for pain shot LC.

12 Q. And who drafted those directions?

13 A. Seth, I believe. Yeah, Seth.

14 Q. Did you have any discussions with Fishman regarding what  
15 information should not appear on Equestology labels?

16 A. Yes.

17 Q. Can you describe those conversations?

18 MR. SERCARZ: Objection.

19 THE COURT: Sustained.

20 MR. SERCARZ: Unclear whether --

21 THE COURT: I said sustained.

22 MR. SERCARZ: Thank you.

23 Q. You had conversations with Fishman about what should not  
24 appear on Equestology labels. What did Fishman tell you about  
25 what should not appear on Equestology labels?



M1LTFIS1

Adams - Direct

1 THE COURT: Same objection, it's sustained.

2 A. Certain labels of products --

3 THE COURT: Ms. Adams, when I sustain an objection you  
4 should not answer.

5 THE WITNESS: Sorry.

6 THE COURT: Mr. Adams, you need to break it down.

7 MR. ADAMS: Certainly.

8 Q. Ms. Adams, were you ever told by Fishman not to include any  
9 information about the ingredients of Equestology products?

10 A. Yes.

11 Q. Can you describe what Fishman told you when he gave you  
12 that direction?

13 MR. SERCARZ: Objection.

14 A. Certain products --

15 THE COURT: Hold on.

16 Mr. Sercarz, it would be better if you stayed seated  
17 and say "objection" into the microphone.

18 MR. SERCARZ: Yes, your Honor.

19 THE COURT: That way I can hear you and the witness  
20 can hear you.

21 MR. SERCARZ: I apologize.

22 THE COURT: Go ahead with your objection. What's the  
23 basis?

24 MR. SERCARZ: It's unclear whether we're referring to  
25 this particular exhibit or to conversations in general.



MLTFIS1

Adams - Direct

1 THE COURT: He didn't ask the question with regard to  
2 the exhibit, as I understand it. Is that correct, Mr. Adams?

3 MR. ADAMS: That's correct. This is a question about  
4 directions given generally by the defendant.

5 THE COURT: Go ahead, Ms. Adams, if you're able to  
6 answer generally.

7 A. Yes, in general on certain products he would tell me to not  
8 list the ingredients.

9 Q. Did he tell you why he wanted you not to the list  
10 ingredients?

11 A. There was a few reasons. One was that they did not need to  
12 by listed. And two, in the case of proprietary blend, which we  
13 did not always put on the label, that he was entitled to keep  
14 his formulas secret, so to say, and that you didn't -- legally  
15 he didn't have to put them there.

16 (Continued on next page)



M1LPFIS2

Adams - Direct

1 BY MR. ADAMS:

2 Q. If we could turn to what's in evidence as government  
3 Exhibit 1912. Ms. Adams, what's the e-mail about?

4 A. Asking me to pay a bill for certain chemicals that were  
5 ordered.

6 Q. And who gave you that direction?

7 A. Seth.

8 Q. And how were you directed to pay bills for chemicals being  
9 ordered?

10 A. With his credit card.

11 Q. And the second e-mail in the chain, reading  
12 RobertH@LGMpharma.com, what is LGM Pharma?

13 A. One of the suppliers for the chemicals for API.

14 Q. Do you personally know where LGM Pharma is based?

15 A. I do not.

16 Q. If we could look down at Exhibit 1913 in evidence.

17 Ms. Adams, do you recognize this document?

18 A. Yes, I do.

19 Q. What is this?

20 A. It is a list of products that I sent to a Josh Marks.

21 Q. And the list that appears below, what is that list?

22 A. You want me to read it?

23 Q. In general, what were you listing?

24 A. The specific products and quantities that I had shipped to  
25 this customer.



M1LPFIS2

Adams - Direct

1 Q. Do you know Josh Marks?

2 A. No.

3 Q. Was Josh Marks ever a client of yours?

4 MR. FASULO: Objection.

5 THE COURT: Overruled.

6 A. I don't remember.

7 Q. Have you ever met Josh Marks or a person named Josh Marks?

8 A. No, no.

9 Q. 5X green cap, what is green cap?

10 A. That is --

11 MR. FASULO: Objection, your Honor.

12 A. -- a product that --

13 THE COURT: Hold on, Ms. Adams.

14 MR. FASULO: Objection. I think he clarified it. I  
15 withdraw it.

16 Q. What is 5X green cap? What is green cap?

17 A. Green cap is an unknown product that is stored and has a  
18 green cap.

19 Q. And when you say it's an unknown product, do you know  
20 what's in that product?

21 A. No.

22 Q. Did you ever discuss the contents of that product with  
23 Fishman?

24 A. I may have asked him about it, but I do not remember what  
25 he said.



M1LPFIS2

Adams - Direct

1 Q. How was green cap labeled on the bottle?

2 A. It was not labeled.

3 Q. Was it not labeled when it was shipped out of Equestology?

4 A. No.

5 Q. Below that, where it reads "4X IT plus," what is IT plus?

6 A. One of the other products that we made.

7 Q. And from your time at Equestology, do you understand what  
8 IT plus' purpose is?

9 A. No. I don't know what it does.

10 Q. In your time at Equestology, did you ever receive any  
11 customer complaints about IT plus?

12 A. About that one in particular, I don't remember.

13 Q. Did you receive any customer complaints about Equestology  
14 products generally?

15 A. Yes.

16 MR. FASULO: Objection, relevance. Judge, if you  
17 don't mind if I can sit and make my objections?

18 THE COURT: That would be better, please. That's an  
19 instruction to all counsel that when you're objecting, just  
20 because of the layout of the courtroom.

21 The jury should understand the lawyers are standing,  
22 which is the normal protocol, out of respect, but because of  
23 the setup that we have here, it's really better if they just  
24 stay seated because I can hear them in the microphone and the  
25 court reporter can hear them in the microphone. So they're not



M1LPFIS2

Adams - Direct

1 being disrespectful to you or to me, but I'm instructing that  
2 the lawyers stay seated when they object and say them into the  
3 microphones.

4 Go ahead. Thank you. Mr. Adams, go ahead.

5 BY MR. ADAMS:

6 Q. At your time at Equestology, did you receive any customer  
7 complaints about products in general?

8 MR. FASULO: Objection.

9 THE COURT: Ground?

10 MR. FASULO: Relevance.

11 THE COURT: Overruled.

12 A. Yes, I did.

13 Q. What were the nature of those complaints?

14 MR. SERCARZ: Objection, hearsay.

15 MR. ADAMS: Not offered for the truth, your Honor.

16 THE COURT: The objection is overruled.

17 MR. SERCARZ: Objection, foundation.

18 THE COURT: That's sustained.

19 BY MR. ADAMS:

20 Q. Ms. Adams, did you learn of the nature of the complaints  
21 during your time at Equestology?

22 A. Yes.

23 Q. And what did you learn as the nature --

24 MR. SERCARZ: Objection, same objection.

25 THE COURT: Sustained. You need to break it down,



M1LPFIS2

Adams - Direct

1 Mr. Adams.

2 BY MR. ADAMS:

3 Q. Ms. Adams, did you receive customer complaints about the  
4 stability of products at Equestology?

5 MR. SERCARZ: Objection. May I approach Mr. Adams?  
6 It may --

7 THE COURT: Approach Mr. Adams?

8 MR. SERCARZ: Yes.

9 THE COURT: No.

10 MR. SERCARZ: Very well.

11 THE COURT: Hold on. You may answer. The objection  
12 is overruled.

13 A. Yes, I did.

14 Q. Can you describe what you learned about the stability of  
15 Equestology products?

16 MR. SERCARZ: Objection, foundation.

17 THE COURT: Overruled.

18 A. Certain products would -- if the customer had ordered them  
19 multiple times, they know what they should look like, and  
20 occasionally they would receive something that did not look the  
21 same as it did before. For example, it would be one color one  
22 time and slightly off another, or what we call the matrix. If  
23 it's freeze dried or dried, inside the vial sometimes it would  
24 look like it was exploded or splattered all over the inside of  
25 the vial and the customer would question, you know, if there's



M1LPFIS2

Adams - Direct

1 something wrong with it.

2 Q. Are you familiar with a company called 21st Century?

3 A. Yes.

4 Q. What is 21st Century?

5 A. That was one of the labs where we had the majority of our  
6 products made.

7 Q. Who at 21st Century did you interact with, if anybody?

8 A. Jordan Fishman, Pam Crowley, Michael Sheeha, I think is the  
9 last name. There may have been one other tech.

10 Q. And in your time at Equestology, did you receive any  
11 complaints regarding stability of products provided by 21st  
12 Century in particular?

13 A. Could you -- sorry, could you repeat that?

14 THE COURT: Hold on. Hold on.

15 MR. SERCARZ: Objection, foundation.

16 THE COURT: Overruled. It's a yes or no question.  
17 He's laying the foundation.

18 A. Could you repeat that?

19 Q. Yes. Did you receive any complaints regarding products  
20 provided by 21st Century in particular?

21 A. Yes.

22 Q. And can you describe the nature of those complaints?

23 A. They were the complaints that I had just referred to, the  
24 inside of the products did not look the same from one batch to  
25 the other, something was -- you know, one had crystals, was



M1LPFIS2

Adams - Direct

1 crystalizing in it, different colors, that kind of thing.

2 Q. Did you ever discuss with Fishman whether Fishman had any  
3 financial interest in 21st Century?

4 A. No.

5 Q. What, if any, equipment did Equestology provide to 21st  
6 Century?

7 A. He had paid for a few of the equipment pieces to be used  
8 because we needed them for our stuff.

9 Q. By "our stuff" what do you mean?

10 A. All the products that we were making.

11 Q. Did you have discussions about the need for providing  
12 specialized equipment for Equestology products?

13 A. Do you -- can you rephrase that?

14 Q. Yes. You said there were devices provided to 21st Century  
15 for the purpose of manufacturing Equestology products; is that  
16 correct?

17 A. Sorry, it froze for a second. Seth had purchased certain  
18 pieces of equipment to be used to make his products, and the  
19 lab was also allowed to use that equipment.

20 Q. If we could turn to what's in evidence as 401-X, please.

21 Ms. Adams, what's this conversation regarding?

22 A. It's between Seth and I, and it's clarifying exactly what I  
23 need to send. It's asking about blood builder, and I'm asking  
24 if it's a certain product, and he's correcting me and telling  
25 me the proper things it is.



M1LPFIS2

Adams - Direct

1 Q. Do you know anyone named Brian Malone personally?

2 A. Personally, no.

3 Q. Was Brian Malone ever a client of yours?

4 A. Not that I remember, no.

5 Q. What were you referring to when you write "NPX"?

6 A. That is the name that we called one of the products.

7 That's what I knew it as.

8 Q. And was that, in fact, the blood builder?

9 A. No.

10 Q. What was NPX?

11 A. I don't -- I don't know. It says it in the text message,  
12 but I don't know what that means.

13 Q. You're referring to the line reading "NPX is  
14 analgesic/sedative"?

15 A. Yes.

16 Q. Above that line, where Seth writes, "No, it's orange cap  
17 3cc amber," what is orange cap?

18 A. That is one of the unlabeled products that was kept in the  
19 fridge or freezer.

20 Q. When you say "unlabeled," was it shipped with no label?

21 A. Yes.

22 Q. How did you recognize which drug to pick out if it had no  
23 label on it?

24 A. We went by cap color.

25 Q. And what were some of the common cap colors that you would



M1LPFIS2

Adams - Direct

1 refer to at Equestology?

2 A. Orange, magenta, amber -- not amber because that is  
3 glass -- green, red, blue.

4 Q. And you mentioned glass a moment ago. What is your  
5 understanding that amber refers to?

6 A. Amber is the color of the glass vial.

7 Q. Were there different color glasses referred to at  
8 Equestology?

9 A. Yes.

10 Q. And how would you refer to different color glasses?

11 A. Clear or amber.

12 Q. All right. If we could turn to what's in evidence as 1900,  
13 please?

14 A. Okay.

15 Q. Ms. Adams, can you describe the conversation that's going  
16 on in this series of e-mails?

17 A. So it is between Mary Fox and I. It's about a shipment to  
18 the UAE for a customer, and Adel is the gentleman that we go  
19 back and forth with, that puts the orders in.

20 Q. Did you ever speak with a customer named Adel?

21 A. A few times.

22 Q. Did you ever meet a customer named Adel?

23 A. Yes.

24 Q. And where did you say he was based?

25 A. He was in Dubai.



M1LPFIS2

Adams - Direct

1 Q. All right. If we could flip back to 401-U in evidence.

2 And --

3 A. Okay.

4 Q. Ms. Adams, what were you discussing in 401-U?

5 A. A list of products that Adel wanted to be sent, put an  
6 order in.

7 Q. Is this the same Adel or a different Adel than the person  
8 referred to in Exhibit 1900?

9 A. This is the same person.

10 Q. And on the second row, where you write "also found a  
11 fridge/freezer at Home Depot," what were you conveying to Seth  
12 in this message?

13 A. That we had been looking for some fridges and freezers for  
14 the office to store products in, and so I found one on sale,  
15 and I was letting him know.

16 Q. Yesterday you testified about the physical workspace when  
17 you first began working at Equestology. Did there come a time  
18 when Equestology expanded?

19 A. Yes.

20 Q. And into what kind of space did Equestology expand?

21 A. We rented out an office space in another building where we  
22 had a lot more room, and it was an actual office.

23 Q. And did you, in fact, obtain fridges and freezers for that  
24 office space?

25 A. Yes.



M1LPFIS2

Adams - Direct

1 Q. Approximately how many?

2 A. We had one large freezer and then another fridge/freezer.

3 Q. When you said large freezer, can you approximate how tall?

4 A. Five-and-a-half, six feet, the full-size freezers that you  
5 would have in your house or your garage.

6 Q. And what would be stored in the Equestology freezers?

7 A. Any product that required refrigeration or freezing.

8 Q. Did that include orange cap?

9 A. I believe so. It went in either the fridge or the freezer,  
10 I can't remember which one.

11 Q. Were there certain products that required that they be kept  
12 under freezing temperatures?

13 A. Yes.

14 Q. Do you recall which products were required to be kept  
15 frozen?

16 A. No.

17 Q. Then let's look at 401-V, please. I'm sorry, before we  
18 leave this, the last line on 401-U, Seth -- there is a list  
19 that appears, beginning with "blast off"?

20 A. Mmm, hmm.

21 Q. "Blast off 1286," what was your understanding of what was  
22 being sent to you in this list?

23 A. That is the list of products that I needed to ship to Adel.

24 Q. And the numbers that appear here, blast off 1286, what does  
25 the number refer to?



M1LPFIS2

Adams - Direct

1 A. The quantity of vials that needed to be sent.

2 Q. Did Equestology ever send drug samples to clients or  
3 potential clients?

4 A. Occasionally they would send them, yes.

5 Q. Do the quantities listed here reflect a sample size?

6 A. No.

7 Q. What's your understanding of "HP bleeder," what does that  
8 mean?

9 A. It's one of our products. I'm not sure what it does.

10 Q. Thank you. And now to 401-V, please. If you could  
11 describe what you are talking about in this conversation?

12 A. Between Seth and I, he's angry at me for ordering certain  
13 things on the account that's getting him possibly flagged.

14 Q. And what kind of account was that?

15 A. The account was Bayer, which is where he would buy certain  
16 products that we didn't make or were raw chemicals.

17 Q. And were you placing orders directly through there?

18 A. Yes. I would call the sales rep or have Lisa ask for them  
19 to be ordered as well.

20 Q. And what kind of products were you ordering?

21 A. By the looks of this message, these are some of the orders  
22 for some of the people that were my friends that had horses.  
23 So they're most likely like pain medication or heartworm stuff  
24 for some of our friends' dogs. In this instance, I don't know  
25 exactly what it's referring to.



M1LPFIS2

Adams - Direct

1 Q. Would you order prescription medication from Bayer?

2 A. Yes.

3 Q. And whose veterinary license would you use to order the  
4 prescription medication?

5 A. Seth's.

6 Q. Did Seth Fishman have any sort of relationship with the  
7 animals for whom you were ordering medication?

8 A. No.

9 Q. And at the very bottom of this chain where you write -- I'm  
10 sorry, where you say -- it reads "Oder" -- O-d-e-r -- "for Adel  
11 was never supposed to have HP bleeder plus," what did you  
12 understand that to mean?

13 A. That one of the orders I sent to Adel, he's saying that it  
14 had HP bleeder plus in it.

15 Q. Was there a difference between HP bleeder and HP bleeder  
16 plus?

17 A. Yes.

18 Q. Do you understand what the difference between those two  
19 products was?

20 A. One of them had an added ingredient for which I was unaware  
21 of what it did.

22 Q. All right. If we could go to Exhibit 1904, please.

23 Ms. Adams, what was happening in this e-mail chain?

24 A. It is Seth asking someone in Saudi Arabia, and I'm copied  
25 on the e-mail, about how to properly address that person on the



M1LPFIS2

Adams - Direct

1 shipment basically because there's a limit to how many  
2 characters you can put for someone's name.

3 Q. And was this in relation to a shipment of Equestology  
4 products?

5 A. Yes.

6 Q. Sitting here today, do you recall which products were  
7 shipped to this individual?

8 A. No, without reading this.

9 Q. Do you recall where this individual was located?

10 A. Yes.

11 Q. Where was that?

12 A. Saudi Arabia.

13 Q. All right. And, Ms. Jung, if you could scroll to the third  
14 page of this exhibit. That's good. Thank you. And if you  
15 could blow up the bottom e-mail there -- sorry, the second, in  
16 the black text.

17 MR. ADAMS: And for the record, your Honor, reading,  
18 from Ayman to Seth, Equestology, on March 16th, 2015: "We want  
19 samples of actual experience, and we will be one of the  
20 suppliers you, Saudi Arabia, and will open you to a market for  
21 horses and jockeys, and we are the largest market for these  
22 products in the Middle East and the world level and now you  
23 have steroids and painkillers does not detect the hardware  
24 analysis of blood and urine, do you have it."

25 Scrolling up from there. That's good, Ms. Jung.



M1LPFIS2

Adams - Direct

1           And reading the next e-mail in the chain "Dr. Zanaty,  
2       There are many products that are not testable by their  
3       composition and also by their half-life. I am always creating  
4       new products always to further insure this. My latest products  
5       have been in modified growth factors. I have been working with  
6       a group that has 25 years' experience in modified growth  
7       factors and tissue regeneration."

8       BY MR. ADAMS:

9       Q. Ms. Adams, have you ever discussed with Seth Fishman  
10      modified growth factors?

11      A. Not -- not that I remember the details.

12      Q. To your recollection, did Seth Fishman ever describe to you  
13      the effect of administering modified growth factors?

14      A. No.

15      Q. Okay. If we could scroll up. Now on the second page,  
16      reading -- that's good, Ms. Jung, thank you -- "Dr. Zanaty,  
17      please let me know the exact tendon and type of injury you are  
18      looking to treat. Are you looking to accelerate healing of an  
19      acute injury or looking to block the pain for a more chronic  
20      injury? Or maybe both?"

21           Ms. Adams, did you ever have any conversations with  
22      Seth Fishman about the concept of blocking pain in horses?

23      A. In general, yes.

24      Q. And can you describe what Fishman told you about blocking  
25      pain in horses?



M1LPFIS2

Adams - Direct

1 A. He explained it very generically to me. He said it's a  
2 painkiller that would get horses to block, you know, pain that  
3 they would have on a daily basis, if they had a sore leg or,  
4 you know, if we have a headache, we take Ibuprofen. That kind  
5 of thing.

6 Q. Okay. If we could get Government Exhibit 1901, please.  
7 Ms. Adams, do you recognize this e-mail?

8 A. Yes.

9 Q. What's happening in this e-mail chain?

10 A. I am asking Mary to send out specific products to a  
11 customer.

12 Q. And who is that customer?

13 A. Brandie Holloway.

14 Q. And do you know a person named Brandie Holloway?

15 A. I do not know.

16 Q. And looking at the bottom e-mail on this chain, last in  
17 time, from Courtney to John Pundyk, who is John Pundyk?

18 A. John was the person on the ground in front of the people  
19 getting these orders.

20 Q. What relationship, if any, does John Pundyk have to  
21 Equestology?

22 A. He's not directly related. He worked with Geoff Vernon,  
23 who then was my client; so he was down the chain of people.

24 Q. Did John Pundyk ever act as a sales representative for  
25 Equestology?



M1LPFIS2

Adams - Direct

1 A. Yes. He wasn't officially a sales rep, but he was under  
2 me, so to speak. I was the sales rep, and he was my person  
3 that was out and about.

4 Q. So can you describe the chain of shipments that would occur  
5 between you and John Pundyk and recipients of Equestology  
6 drugs?

7 MR. FASULO: Objection as to form.

8 A. Yes, well --

9 THE COURT: Sustained. Can you rephrase, Mr. Adams.

10 MR. ADAMS: Yes, your Honor.

11 Q. Would you ship drugs at John Pundyk's direction?

12 A. Yes.

13 Q. To whom?

14 A. To his clients.

15 Q. When you did that, who would place the order for the  
16 shipment?

17 A. Can you be more specific?

18 Q. In instances when John Pundyk had clients that would  
19 receive orders from Equestology, how would you learn of the  
20 request to send a shipment?

21 A. John would always e-mail me the order, and then I would --  
22 if I was okay with the order, if it's something that I knew we  
23 had, I would forward it to Mary, and Mary would ship it to the  
24 customer.

25 Q. Okay. Thank you. If we could go to 401-FF, please?



M1LPFIS2

Adams - Direct

1 THE COURT: Mr. Adams, if you're finished with this  
2 document, this might be a convenient point for a break. Does  
3 that work for you?

4 MR. ADAMS: It does, your Honor. Thank you.

5 THE COURT: All right. Ladies and gentlemen, why  
6 don't we take our mid-morning break now. You can leave your  
7 notepads on your seat. I just remind you, please, don't talk  
8 about the evidence you've been hearing at any point until you  
9 get to your deliberations. Have a good stretch break, and  
10 we'll see you back here in 15 minutes. All right? Thank you.

11 (Jury not present)

12 THE COURT: All right. Please be seated, everyone.

13 MR. ADAMS: Your Honor, can I have Ms. Adams log off  
14 for the moment?

15 THE COURT: I was just going to say, Ms. Adams, you  
16 remain under oath. You can log off. If you would log back on  
17 in about ten minutes.

18 THE WITNESS: Okay.

19 THE COURT: Mr. Adams, you can let her know when to  
20 log on. Mr. Adams will let you know.

21 THE WITNESS: Okay.

22 THE COURT: You remain under oath.

23 THE WITNESS: Yes.

24 THE COURT: Thank you.

25 (Witness temporarily excused)



M1LPFIS2

Adams - Direct

1 Is there anything we need to discuss?

2 MR. SERCARZ: Yes, your Honor. Thank you. Your  
3 Honor, there were a series of objections I made to questions in  
4 which the witness was asked about complaints that she received  
5 regarding the stability of products or whether the products  
6 changed from one shipment to another, and I want to flesh out  
7 the basis for my objection.

8 I objected on the basis of hearsay because, to the  
9 extent that the government intends to use this evidence to try  
10 and demonstrate that my client's products were unsafe, that  
11 testimony would be used for the truth of the matter asserted,  
12 and I respectfully submit it would be objectionable on that  
13 ground.

14 To the extent that it was meant to demonstrate  
15 something regarding my client's state of mind, there was no  
16 foundation demonstrating that these complaints were conveyed to  
17 Dr. Fishman, and it was for that reason that you heard me use  
18 the word "foundation" in response to a lot of those  
19 questions -- in my objection.

20 THE COURT: So your -- sorry, go ahead.

21 MR. SERCARZ: And the third thing would be there was  
22 no testimony indicating that, in response to those complaints,  
23 anything was done that could appropriately be labeled to be in  
24 the furtherance of the conspiracy, no subsequent conversations  
25 about remedying, concealing or anything of the like.



M1LPFIS2

Adams - Direct

1           It is very difficult, from one question, to try and  
2   frame one-word objections. I respect the need to do it, but I  
3   wanted the Court to know the basis for my objections. And  
4   under the circumstances and given the state of the record, I  
5   ask that those questions and answers be stricken because they  
6   do not meet the requirements of the rules of evidence. Thank  
7   you for letting me be heard.

8           THE COURT: Your motion to strike is denied. What  
9   you're basically making is an argument in response to what you  
10   anticipate Mr. Adams might try to use this evidence for when he  
11   argues to the jury, but there's nothing objectionable about the  
12   questions and the answers as they came in.

13          Your objection, as I said, they really go to the use  
14   that the government might try to make of the answers. Right  
15   now, the record is that Ms. Adams received complaints. That's  
16   it. She received complaints. That's not hearsay.

17          MR. SERCARZ: Barring something further, your Honor, I  
18   submit that that testimony, as it sits in the record, has no  
19   relevance.

20          THE COURT: At this stage, that objection is  
21   overruled. Anything further?

22          MR. ADAMS: Your Honor, if now is a convenient time,  
23   I'd like to try the audio. I'd like to make sure you can hear  
24   it at the bench.

25          THE COURT: Sure.



M1LPFIS2

Adams - Direct

1 MR. FASULO: Your Honor, is it okay for us to take a  
2 break?

3 THE COURT: Yes. Anybody who wishes to be, can be  
4 excused.

5 (Recess)

6 (Jury not present)

7 THE COURT: You can be seated, everyone. I understand  
8 the jurors are on their way back up.

9 MR. ADAMS: Your Honor, I'll have Ms. Adams rejoin us,  
10 if that's okay.

11 THE COURT: Sure. Thank you.

12 MR. ADAMS: Ms. Adams, can you hear?

13 THE WITNESS: Yes, I can.

14 THE COURT: Our jurors are on their way up; so we  
15 should be with you shortly, Ms. Adams.

16 THE WITNESS: Okay.

17 (Pause)

18 MR. ADAMS: Your Honor, just for planning purposes,  
19 you're thinking of going through 12:30 or 1:00?

20 THE COURT: 12:30 is what time they're bringing lunch  
21 for the jury. If you have a few more minutes, again, whatever  
22 is convenient, but right around then.

23 MR. ADAMS: Okay. Thank you.

24 (Jury present)

25 THE COURT: All right. Thank you. Please be seated,



M1LPFIS2

Adams - Direct

1 everyone. Welcome back to our jurors.

2 Mr. Adams.

3 MR. ADAMS: Thank you, your Honor.

4 BY MR. ADAMS:

5 Q. Ms. Adams, we were discussing complaints about Equestology  
6 products from customers previously. Did you discuss those  
7 complaints with Seth Fishman?

8 A. Yes.

9 Q. What did you tell Fishman about the complaints that you  
10 were aware of? One moment.

11 A. -- and let him know --

12 Q. I'm sorry. We froze on this end. Can you repeat the  
13 answer to that last question?

14 A. I would tell Seth what the customer had told me in regards  
15 to exactly what was wrong.

16 Q. And what was Seth's reaction to hearing those complaints?

17 A. He was worried about that, and then we would check back  
18 with the lab to figure out what the problem was.

19 Q. Okay. Did there come a time when those complaints stopped  
20 coming in to Equestology?

21 A. I don't -- I wouldn't say stopped. They were very few and  
22 far between. It happened very sporadically.

23 Q. Okay. When that happened, to your knowledge, was any  
24 direction given to 21st Century about changing its  
25 manufacturing process?



M1LPFIS2

Adams - Direct

1 A. Yes.

2 Q. And what were the directions given to 21st Century?

3 A. I don't know exactly what direction -- what Seth said  
4 specifically, but they were instructed to figure out what the  
5 problem was and fix it.

6 Q. Let me ask you to look at Government Exhibit 1905 in  
7 evidence. What were you conveying in this e-mail?

8 A. That an order that was being sent to Geoff Vernon needed to  
9 get to the address in that e-mail as soon as possible by a  
10 certain date so it could make it onto a horse trailer that was  
11 going across the border to Canada.

12 Q. You write -- you refer to "Geoff." Is this the Geoff  
13 Vernon you referred to earlier?

14 A. Yes.

15 Q. And why was a shipment being sent to a trailer before going  
16 to Canada?

17 A. As far as I understood it, Geoff was with those horses or  
18 associated with them and that it needed to -- it had to  
19 physically be with him to cross the border.

20 Q. And which border -- I'm sorry. And did you have an  
21 understanding of why Geoff Vernon needed to be physically with  
22 those drugs to cross the border?

23 A. Because he is a vet, and they can't -- they need to be in  
24 his possession or with some prescription or something. I'm not  
25 really sure.



M1LPFIS2

Adams - Direct

1 Q. Okay. And now looking at 401-II in evidence --

2 A. What was that number?

3 Q. It's 401-II.

4 A. Okay.

5 Q. Can you describe what you were asking when you wrote "Geoff  
6 wants to know if our EGH is testable"?

7 A. Geoff was requesting if the equine drug hormone was  
8 testable to any governing body, like the Horseracing Commission  
9 or anyone -- any other test that was done on the horses.

10 Q. Did you have conversations with Seth Fishman about the  
11 testability of Equestology products?

12 A. Yes.

13 Q. From your conversations with Fishman, did you have an  
14 understanding as to whether testability was an important  
15 feature of Equestology products?

16 A. Yes.

17 Q. What was your understanding on the basis of your  
18 conversations with Fishman?

19 A. That that was our biggest selling point, that we  
20 specialized in making products that were not testable.

21 Q. Did he discuss with you the potential risk if an  
22 Equestology product were to become testable by a governing  
23 body?

24 A. Yes.

25 Q. And what did he tell you about that risk?



M1LPFIS2

Adams - Direct

1 A. The risk was if someone was to get their hands on one of  
2 our products, you know, that they could make a test for it, and  
3 then that product would no longer be useful to us. We would  
4 have to make something else.

5 Q. And why would you have to make something else if an  
6 Equestology product became testable?

7 A. Because that was the whole point of that product, was to be  
8 not testable.

9 Q. And reading here from 401-II, the sent message from Seth to  
10 you, for the record: "Listen, Geoff needs to talk to me.  
11 Things are not black and white, and itself, no. But too much  
12 can raise testosterone. Also, he should be using the modified  
13 MGF more than EGH."

14 Ms. Adams, do you have an understanding of what  
15 modified MGF is?

16 A. No, I'm not familiar with what that acronym is.

17 Q. Do you recall what you did with the information that  
18 Fishman provided to you in this text message?

19 A. I most likely relayed it to Geoff Vernon and asked him to  
20 speak to Geoff directly.

21 MR. FASULO: Objection, I move to strike.

22 THE COURT: Sustained, sustained.

23 Ms. Adams, I'm going to remind you, if you remember  
24 something and have a clear recollection or knowledge, you can  
25 testify to it, but you can't speculate, and don't tell us what



M1LPFIS2

Adams - Direct

1 you most likely did, only what you know you did.

2 THE WITNESS: Okay.

3 THE COURT: All right? That testimony is stricken.

4 MR. ADAMS: Okay, your Honor. I'll move on.

5 Can we go to Government Exhibit 1902 in evidence,  
6 please.

7 BY MR. ADAMS:

8 Q. Ms. Adams, what's happening in this e-mail chain?

9 A. This is an e-mail chain between Seth and Adel in the UAE,  
10 with Mary and I copied on it, about ordering more product and  
11 the timeline that it's on.

12 Q. From your review of this e-mail, can you identify the  
13 product that was to be shipped?

14 A. Yes, a thousand vials of equine growth hormone.

15 Q. Is that EGH?

16 A. Yes.

17 Q. Is a thousand vials a sample size of EGH?

18 A. No.

19 Q. And below that, where it reads: "Please, if you can ship  
20 to DEH at the earliest possible on IP services," do you have an  
21 understanding of what "DEH" stands for?

22 A. Yes, Dubai Equine Hospital.

23 Q. If we could go 401-BB, as in boy, boy. What did you  
24 understand this message to convey to?

25 A. That Adel had decided to go with 500 vials of EGH, and he



M1LPFIS2

Adams - Direct

1 wants everything to be sent as one package.

2 Q. Is this the same Adel that we've discussed previously?

3 A. Yes, it is.

4 Q. If we could look at 401-CC, please, the next one?

5 A. Okay.

6 Q. Can you describe what's happening in this conversation?

7 A. Between Seth and I, he's asking me -- or I'm saying that I  
8 cannot find the 200 vials of PSDS and wondering if maybe Lisa  
9 can send some back to us, and he is upset that I didn't take  
10 care of this a few weeks prior to this.

11 Q. And who is the Lisa that you're referring to?

12 A. Lisa Ranger.

13 Q. And what have you sent to Lisa?

14 A. The product, PSDS.

15 Q. What was PSDS?

16 A. A pain shot double strength.

17 Q. And what's your understanding of the purpose of pain shot  
18 double strength?

19 A. A double strength product that blocks pain.

20 Q. And what was your understanding of what the "big drama"  
21 would be as a result of not having set aside the vials that had  
22 been sent to Lisa?

23 A. That whoever we were sending it to is going to be very  
24 upset that we don't have what Seth told him that we had.

25 Q. Let's go now to, please, what's in evidence as 1903. What



M1LPFIS2

Adams - Direct

1 were you conveying in 1903?

2 A. Make sure I'm on the right one, sorry, 03. I'm conveying  
3 to Mary at the office to send products to Lisa that she had  
4 requested.

5 Q. And when you say "she had requested," who had requested the  
6 products?

7 A. Lisa Ranger had asked me.

8 Q. In your role at Equestology, would you decide on your own  
9 initiative what products Lisa should receive?

10 A. No.

11 Q. How did you learn what products to send to Lisa?

12 A. Lisa would either request them, or Seth would tell me to  
13 send them to her.

14 Q. And looking on this e-mail, on the line reading "HP bleeder  
15 plus," is that the same product we discussed a moment ago with  
16 respect to shipments to Adel?

17 A. I don't re -- no, we were talking about EGH before.

18 Q. Do you recall my question earlier about the difference  
19 between HB bleeder and HB bleeder plus?

20 A. Oh, yes, a few shipments ago with the photos in the  
21 exhibit, yes. That was HB bleeder plus.

22 Q. On this line, where it says "send version with horse head  
23 logo, not SPC," what's your understanding of what -- what did  
24 you intend to convey in writing that?

25 A. So some of the products are -- have different brands that



M1LPFIS2

Adams - Direct

1 are on them, depending on where they're being sold. So some of  
2 HB bleeder plus has the Equestology logo on it, some of them  
3 would have SPC logos, some of them would have other -- we have  
4 multiple other logos or brands. So I'm specifying exactly  
5 which one needs to be sent.

6 Q. Okay. And was there a reason that one brand would be used  
7 for certain vials, as opposed to a different brand?

8 MR. SERCARZ: Objection, foundation.

9 THE COURT: Can you lay a foundation, please,  
10 Mr. Adams? Sustained.

11 Q. Ms. Adams, are you aware of any reason that one brand would  
12 be used to label a vial as opposed to a different brand?

13 A. Yes.

14 Q. Did you become aware of that reason from your work at  
15 Equestology?

16 A. Yes.

17 Q. Did you discuss the reasons for differentiation with Seth  
18 Fishman?

19 A. Yes.

20 Q. Did you discuss the reasons for that differentiation with  
21 Lisa Ranger?

22 A. Yes.

23 Q. Okay. What was the reason for the differentiation?

24 A. Certain regions or areas or clients would request their own  
25 brand; so -- do you want me to give you an example?



M1LPFIS2

Adams - Direct

1 Q. Certainly.

2 A. Adel, in the UAE, he requested that he have his own logo  
3 and that logo not be used on any other products. So all of his  
4 things would have specific logos, and that would not be then  
5 sold to Lisa Ranger or Geoff Vernon. It was only his.

6 Q. Okay. What does SPC stand for?

7 A. Specialized performance compound.

8 Q. Thank you. Let's look at 401-Z also.

9 Ms. Adams, what is this text chain about?

10 A. It's between Seth and I about the product called GNRH and  
11 what the quantity is and the price for a customer named  
12 Lisette.

13 Q. What is GNRH?

14 A. I do not know.

15 Q. Okay. Did you ever talk to Seth Fishman about GNRH?

16 A. Yes, briefly.

17 Q. And what do you recall him telling you about GNRH?

18 A. I don't recall the details.

19 Q. Okay. And who is Lisette?

20 A. Lisette is one of his customers in south Florida.

21 Q. To your knowledge, did Lisette have clients to whom she was  
22 reselling Equestology products?

23 A. Yes.

24 Q. Where were those clients based?

25 A. South America.



M1LPFIS2

Adams - Direct

1 Q. And do you know in this chain, where it reads "MOQ of 25"  
2 and later, "minimum order quantity," what was a minimum order  
3 quantity?

4 A. Seth was saying that Lisette had to order a minimum  
5 quantity of 25 if she wanted to get that product.

6 Q. Who decided what minimum order quantities would be ordered  
7 by Equestology?

8 A. Seth did.

9 Q. And can we go to 401-EE, please.

10 A. Okay.

11 Q. Can you tell us what's happening in this text chain?

12 A. Between Seth and I, I'm letting him know that Lisette  
13 wanted 50 of the EGH, but I already had it packed to ship to  
14 Adel, and he's taking to take the 50 vials from Adel's shipment  
15 and that he will deal with Adel in telling him that we don't  
16 have those 50 anymore.

17 Q. Okay. Where Seth writes to you "got to tell Adel the label  
18 was off and I credit him," was there, in fact, an issue with  
19 the label for the shipment intended for Adel?

20 A. No.

21 Q. What was your understanding of why that -- why Seth would  
22 tell you that?

23 A. It was just a reason to say something was wrong with the  
24 label, and so we don't have as many as we thought we did. An  
25 excuse.



M1LPFIS2

Adams - Direct

1 Q. Okay. And the EGH that was packed for Adel, was that the  
2 same product and the same vials that were also intended to go  
3 to Lisette?

4 A. Yes.

5 Q. And can you remind -- can you say again where Lisette was  
6 based?

7 A. South America -- she was out of Miami, but her products  
8 were being forwarded or shipped to South America.

9 Q. Where were they being shipped initially from?

10 A. Miami. Sorry, one second. Is that too loud?

11 Q. It sounds a bit like you're at a drag race, but I think  
12 we're okay now.

13 A. Okay.

14 Q. Ms. Adams, did you have conversations with Seth Fishman  
15 about the use of Equestology products by horse trainers?

16 A. Can you be more --

17 Q. Did Seth Fishman ever talk to you --

18 MR. ADAMS: Your Honor, I believe she froze.

19 THE COURT: I think probably so. Can you hear us,  
20 Ms. Adams?

21 THE WITNESS: Yes. Could you repeat the question?

22 BY MR. ADAMS:

23 Q. I'll rephrase the question. Ms. Adams, did Seth Fishman  
24 talk to you about particular horse trainers to whom Equestology  
25 products were being sold?



M1LPFIS2

Adams - Direct

1 A. No, he did not.

2 Q. Did he talk to you about the use of Equestology products by  
3 racehorse trainers?

4 A. Yes, in very general terms.

5 Q. And understanding that they're in general terms, what do  
6 you recall Seth Fishman telling you about the use of  
7 Equestology products by racehorse trainers?

8 A. He would describe to me what they were -- why they were  
9 using them, what they did in general; very basic descriptions  
10 of where they were going, how they were being used and why.

11 Q. And when you say why they were being used, what did he  
12 describe to you about why they were being used?

13 A. They were being used because they were -- had requested  
14 untestable products.

15 Q. Untestable products for what purpose?

16 A. To enhance performance.

17 Q. Did there come a time that you moved out of south Florida  
18 while you were still working for Equestology?

19 A. Yes.

20 Q. Where did you go?

21 A. Idaho.

22 Q. Did your role at Equestology change in any way when you  
23 moved to Idaho?

24 A. Yes, it did.

25 Q. And how did it change?



M1LPFIS2

Adams - Direct

1 A. I no longer was the office manager. I was doing more  
2 sales. I did, however, help still designing some labels and  
3 general help in the office, if Mary needed it.

4 Q. Okay. And in connection with changing your role to sales,  
5 did there come a time that you set up a payment processing  
6 account?

7 A. Yes.

8 Q. And why did you set up the payment processing account?

9 A. Because I had to take payment for the sales.

10 Q. And was that payment, the money for those sales, did that  
11 all go to you?

12 A. Yes, I would collect all the money.

13 Q. Okay. Would you get to keep all that money as your own  
14 revenue?

15 A. No.

16 Q. What would you do with a portion of that money?

17 A. I would keep commissions off of it, and the rest I would  
18 pay to Seth at the end of each month.

19 (Continued on next page)



M1LTFIS3

Adams - Direct

1 BY MR. ADAMS:

2 Q. What was your commission?

3 A. I believe it was eight to ten percent. It varied between  
4 products, so in that range.

5 Q. And during the course of time that you worked at  
6 Equestology, approximately how much did you make per year?

7 A. Around 50,000.

8 Q. When you began sales, did you have conversations with Seth  
9 about the number of your clients and the number of your sales?

10 A. Yes.

11 Q. And what did Seth tell you, if anything, about those  
12 numbers?

13 A. That they could be significantly greater if I was to follow  
14 Lisa Ranger's footsteps.

15 Q. And what was your reaction to that?

16 A. I didn't really -- I wasn't really interested in sales. I  
17 don't like pushing things on people and I don't like being out  
18 and about in front of them. So I was kind of hesitant. It  
19 was -- I told him it was easy for me to take care of Geoff  
20 Vernon and under him John and all the people they knew, but I  
21 was not interested in going and finding new clients.

22 Q. Did there come a time that you returned to Florida from  
23 Idaho?

24 A. Yes.

25 Q. And let me direct you to the year 2016. Were you -- had



M1LTFIS3

Adams - Direct

1 you returned to Florida by 2016?

2 A. Yes, at the mid to end of 2016.

3 Q. And did you continue making sales for Equestology when you  
4 returned?

5 A. Yes.

6 Q. Did your role change again when you returned to Florida?

7 A. Kind of. I would come physically into the office every  
8 once in a while to assist Mary, but for the most part it was  
9 still just sales.

10 Q. Did Equestology engage in any advertising that you're aware  
11 of?

12 A. Not that I'm aware of, no.

13 Q. Did Equestology maintain a website, so far as you're aware?

14 A. We had created one, but I was not aware if it launched to  
15 the public.

16 Q. Did you participate in any way in planning the website?

17 A. Yes.

18 Q. Can you describe your role in planning the website?

19 A. I was helping design the website, not on the back end, but  
20 helping the web designer -- what we wanted displayed, the  
21 content we wanted on it, the look that we were trying to  
22 achieve, just basic artistic direction.

23 Q. Did you discuss the content and the appearance of the  
24 website with Fishman?

25 A. Yes.



M1LTFIS3

Adams - Direct

1 Q. Was the website intended to be publicly accessible?

2 A. No.

3 Q. Can you describe to whom the website was intended to be  
4 accessible?

5 A. Specific people would be given a user name and password to  
6 log in and only those people would then be able to access what  
7 the website had. There would be a general landing page for the  
8 public but they would not be able to get to anything.

9 Q. Would you need any particular information to get past the  
10 landing page?

11 A. Yes.

12 Q. What?

13 A. Yes, you would have to have a password.

14 Q. Did there ever come a point where passwords were provided  
15 to anybody for the website?

16 A. Not that I was aware.

17 Q. Did there come a time when you stopped working for  
18 Equestology?

19 A. Yes.

20 Q. Approximately when did you stop?

21 A. Early 2017, I believe. I can't remember exactly.

22 Q. Why did you stop working at Equestology?

23 A. I was just over it, to be honest, I didn't want to do it  
24 any more and -- yeah.

25 Q. What, if anything, did Fishman ask you about talking to



M1LTFIS3

Adams - Direct

1 others about your work at Equestology when you left?

2 A. He asked me to not discuss the business that we conducted  
3 with anyone.

4 Q. What was your response?

5 A. I said okay.

6 Q. Did there come a time that you were approached by agents of  
7 the Food & Drug Administration?

8 A. Yes.

9 Q. Was that before or after you had stopped working at  
10 Equestology?

11 A. After.

12 Q. Where did that approach happen?

13 A. At Nani's Doughnut Shop.

14 Q. Why were you there?

15 A. I was working there.

16 Q. What, if anything, were you asked by the FDA at that time?

17 MR. SERCARZ: Objection.

18 MR. FASULO: Objection.

19 THE COURT: Grounds?

20 MR. SERCARZ: Without an offer of proof, your Honor,  
21 it's hard to say, but hearsay for starters.

22 THE COURT: Overruled. You can't make an objection  
23 and say it's hard to say why.

24 MR. FASULO: Hearsay, your Honor.

25 THE COURT: Mr. Adams?



M1LTFIS3

Adams - Direct

1 MR. ADAMS: It's a question about a question, not for  
2 the truth.

3 THE COURT: Overruled.

4 You can answer, Ms. Adams.

5 A. I do not remember exactly what they asked me.

6 Q. Did you tell Seth Fishman about that incident?

7 A. Not that I recall, no.

8 Q. And did the FDA come back and ask you anything further  
9 after they approached you?

10 A. No, they did not.

11 Q. Did there later come a time that you reached out to law  
12 enforcement about your time at Equestology?

13 A. Yes.

14 Q. Why did you do that?

15 A. I was made aware from a friend about all the arrests, and I  
16 read the article that was published about it and realized that  
17 they didn't have the whole story, and that I felt obligated to  
18 give them more details.

19 Q. Ms. Adams --

20 MR. ADAMS: And this is just for Ms. Adams, not for  
21 the jury. Your Honor has a copy of the next exhibit,  
22 Government Exhibit 11000.

23 THE COURT: I assume you gave this to the defendants  
24 as well.

25 MR. ADAMS: It's in the same binder, your Honor, yes.



M1LTFIS3

Adams - Direct

1 THE COURT: Thank you. What number?

2 MR. ADAMS: 11000.

3 THE COURT: Is this in evidence, Mr. Adams?

4 MR. ADAMS: It's not, your Honor.

5 THE COURT: Take it down, please.

6 MR. ADAMS: It's not published.

7 THE COURT: Okay.

8 MR. ADAMS: Thank you, your Honor.

9 BY MR. ADAMS:

10 Q. Ms. Adams, do you have a copy of Government Exhibit 11000  
11 in front of you?

12 A. Yes.

13 Q. Do you recognize that document?

14 A. Yes, I do.

15 Q. What is it?

16 A. It is my non-prosecution agreement.

17 Q. Under the terms of this agreement, what are you required to  
18 do?

19 A. Tell the truth about any questions asked.

20 Q. Are you required to testify here today?

21 A. Yes.

22 Q. If you live up to your obligations under that agreement,  
23 has the government promised you anything in return?

24 A. No. Well, non-prosecution.

25 Q. And non-prosecution from what?



MLTFIS3

Adams - Direct

1 A. For anything that I did while working for Seth.

2 Q. If you lie on the stand today, do you get that protection?

3 A. No, I do not.

4 Q. Can you please look at what's in evidence as Government  
5 Exhibit 401AA.

6 A. Okay.

7 MR. ADAMS: This is in evidence.

8 Q. Ms. Adams, can you describe what this conversation was  
9 about?

10 A. This was about me doing an interview for my replacement in  
11 the beginning when I was thinking about leaving.

12 Q. And scrolling to the bottom of this conversation, where you  
13 write, "Seems to be. He was very calm, didn't seem like the  
14 kind to go talking about details to anyone," what were you  
15 conveying to Seth in that?

16 A. That he was not going to go out with friends or anyone that  
17 was not related to the business and talk about what he did,  
18 what we did in Equestology.

19 Q. From your conversations with Fishman, was that kind of  
20 discretion an important requirement for having your job?

21 A. Yes.

22 MR. ADAMS: Your Honor, I would like to read now  
23 what's marked for identification as Government Exhibit 9009.

24 THE COURT: Are you offering this?

25 MR. ADAMS: I will in just a moment, I'm handing you a



M1LTFIS3

Adams - Direct

1 copy if you need it.

2 THE COURT: Okay. This is a stipulation between the  
3 parties.

4 MR. ADAMS: Yes, your Honor.

5 THE COURT: Thank you.

6 MR. ADAMS: And it reads: It's hereby stipulated and  
7 agreed by --

8 Actually, your Honor, I will skip the preliminary, if  
9 it's all right.

10 THE COURT: Yes, that's fine.

11 MR. ADAMS: Thank you, your Honor.

12 THE COURT: Just so it's clear to the jury, this is an  
13 agreement that was entered into by the parties. It's on  
14 consent and it is evidence.

15 MR. ADAMS: It is agreed that the exhibits listed  
16 under column B and in the chart below are true and accurate  
17 transcriptions of the audio recordings listed under column A,  
18 which accurately reflect the content recorded in those audio  
19 recordings listed under column A. And column A first refers to  
20 Government Exhibit 910, and B refers to 910T, 911, 911T, 912  
21 and 912T respectively.

22 And it's further stipulated and agreed by and between  
23 the parties that this stipulation, which is Government  
24 Exhibit 9009, may be received into evidence at trial.

25 Your Honor, with that, and on the basis of the prior



M1LTFIS3

Adams - Direct

1 stipulation and the electronic stipulation, 9008, the  
2 government offers Exhibit 9009 as well as 910 through 912 and  
3 910T through 912T.

4 THE COURT: I assume, based on the stipulation,  
5 there's no objection, they will be received in evidence.

6 MR. ADAMS: Thank you, your Honor.

7 (Government's Exhibits 9009, 910 through 912, and 910T  
8 through 912T received in evidence)

9 THE COURT: Could we, Ms. Jung, briefly put up 401AA,  
10 please.

11 Could we go to the last two lines, please.

12 BY MR. ADAMS:

13 Q. Ms. Adams, could you please read the last thing you wrote  
14 to Seth Fishman?

15 A. I told him the job requires discretion and possible NDA.

16 Q. And what was the possible NDA you were referring to?

17 A. That he may need to sign a non-disclosure agreement.

18 MR. ADAMS: Thank you, your Honor.

19 At this point the government intends to publish 910 to  
20 the jury. Could we please put up 910T for the jury to follow  
21 along?

22 THE COURT: And just so I'm clear, 910 is the audio  
23 recording?

24 MR. ADAMS: That's correct.

25 THE COURT: Thank you. So ladies and gentlemen, you



M1LTFIS3

Adams - Cross

1 need to listen carefully, but the document will be put up so  
2 you can follow along.

3 MR. ADAMS: For the record, 910T includes a list of  
4 participants and a date. The date from the file name is  
5 April 3rd, 2014, the participants are listed as Seth Fishman  
6 and Adel Sebaay.

7 (Audio recording played)

8 MR. ADAMS: Thank you, Ms. Adams.

9 Thank you, your Honor, no further questions.

10 THE COURT: Thank you.

11 Who is going first for the defense?

12 MR. SERCARZ: I am, your Honor.

13 THE COURT: Mr. Sercarz.

14 CROSS-EXAMINATION

15 BY MR. SERCARZ:

16 Q. Good morning, Ms. Adams.

17 A. Good morning.

18 Q. I represent Seth Fishman, Dr. Fishman.

19 Ms. Adams, you would never knowingly work for someone  
20 who is engaged in ongoing criminal conduct, would you?

21 A. No.

22 Q. You began working for Dr. Fishman in 2012, is that correct?

23 A. Yes.

24 Q. And you worked with him for at least five years until 2017,  
25 am I correct?



MLTFIS3

Adams - Cross

1 A. Yes.

2 Q. And during that period of time, you developed an intimate  
3 knowledge of his business, am I correct?

4 A. Yes.

5 Q. You began as a personal assistant for Dr. Fishman, am I  
6 correct?

7 A. Yes.

8 Q. And gradually you became more and more involved in the  
9 business of Equestology, am I correct?

10 A. Yes.

11 Q. You organized his documents, am I correct?

12 A. Yes, among other things.

13 Q. Among other things, you created the Dropbox account to  
14 store documents in the cloud, am I correct?

15 A. Correct.

16 Q. These documents included receipts, correct?

17 A. Correct.

18 MR. SERCARZ: I didn't hear that last one, I don't  
19 know if anybody else --

20 THE COURT: We seem to have an audio problem.

21 Could you repeat your answer verbally?

22 A. Yes, I did.

23 Q. It included orders for products, am I correct?

24 A. Can you be more specific?

25 Q. Well, I'll leave that one to the side.



MLTFIS3

Adams - Cross

1 Important emails, am I correct?

2 A. Yes.

3 Q. Emails involving customers and the people at Equestology,  
4 am I correct?

5 A. Occasionally, yes.

6 Q. Documents including text messages, am I correct?

7 A. No.

8 Q. Eventually you became involved in labeling product, am I  
9 correct?

10 A. Yes.

11 Q. And during the course of your work that you performed for  
12 Dr. Fishman, you became aware of conversations he had with  
13 customers, am I correct?

14 A. Yes.

15 Q. You yourself participated in conversations with  
16 Ms. Giannelli, who was involved in the distribution of his  
17 products, am I correct?

18 A. Yes, I did.

19 Q. You became involved in conversations with Jordan Fishman  
20 and others who worked for him at 21st Century, am I correct?

21 A. Yes.

22 Q. And just by way of reminder, 21st Century was involved in  
23 the manufacture or compounding of ingredients used in the  
24 products that were distributed by Equestology, am I correct?

25 A. Correct.



M1LTFIS3

Adams - Cross

1 Q. You were involved in conversations with customers of  
2 Equestology, am I correct?

3 A. Yes, a few customers.

4 Q. You were engaged in all of this business activity for at  
5 least five years, am I correct?

6 A. It's a little more -- not as black and white. Over the  
7 five years all of those things happened, but not all of them  
8 every year.

9 Q. Understood. Indeed, there came a time, I think you told  
10 us, when you actually moved to Idaho and were moving on the  
11 other side of the country from Equestology, am I correct?

12 A. Yes.

13 Q. How long a period was that?

14 A. Just under one year.

15 Q. And during that year, you didn't make plans to work  
16 anywhere else, did you?

17 A. No.

18 Q. You didn't leave the employment of Mr. Fishman to seek  
19 other work -- Dr. Fishman, to seek other work, am I correct?

20 A. Correct.

21 Q. You didn't refuse to perform any of the tasks that  
22 Dr. Fishman asked you to perform, am I correct?

23 A. No.

24 Q. "No" means I'm not correct or "no" means you didn't refuse?

25 A. "No" means you're not correct.



M1LTFIS3

Adams - Cross

1 Q. We'll get to those in a moment.

2 During that period, you referred to him as Doc, am I  
3 correct?

4 A. No, I did not refer to him as that.

5 Q. Others did, is that right?

6 A. Yes.

7 Q. And you understood that to be Dr. Seth Fishman,  
8 veterinarian, am I correct?

9 A. Correct.

10 Q. And they referred to him by that name in the course of his  
11 practice, am I correct?

12 A. Yes.

13 Q. Now by the time you left in 2017, to use your words on  
14 direct examination, you were over it. Are those your words  
15 just moments ago?

16 A. Yes.

17 Q. Would it be fair to say that you were not getting along  
18 very well with Dr. Fishman by the time you left?

19 A. Yes.

20 Q. Indeed, at the time that you were leaving his employment,  
21 he accused you of making personal purchases for personal items  
22 with the firm's business cards, am I correct?

23 A. Correct.

24 Q. And he accused you of taking items that belonged to  
25 Equestology when you were in the process of leaving, am I



MLTFIS3

Adams - Cross

1 correct?

2 A. Yes, he did.

3 Q. And you were upset by that accusation, am I correct?

4 A. To an extent, because they were false, yes.

5 Q. And given the nature of these false accusations, you had  
6 every reason to be upset, fair enough?

7 A. Yes.

8 Q. But it was not until these false accusations were made that  
9 you left the employ of Dr. Fishman, isn't that correct?

10 A. I don't remember exactly when that happened and when I  
11 officially moved on.

12 Q. You learned some things about Dr. Fishman during the course  
13 of working for him that, in your view, made him unpleasant to  
14 work with, fair enough?

15 A. Yes.

16 Q. Fair to say that he got angry with you on occasion?

17 A. On occasion, yes.

18 Q. He was given to have a temper, am I correct?

19 A. Yes.

20 Q. He also was arrogant, isn't that correct?

21 A. Occasionally, yes.

22 Q. Particularly when it came to his supposed knowledge of  
23 veterinarian medicine, am I correct?

24 A. That would be one of the instances, yes.

25 Q. And when it came to veterinarian medicine, he used to



M1LTFIS3

Adams - Cross

1 criticize some of the other people that he dealt with, am I  
2 correct?

3 A. Not that I remember, no.

4 Q. Didn't he make comments about other veterinarians --

5 MR. ADAMS: Objection.

6 THE COURT: Grounds?

7 MR. ADAMS: Calls for hearsay.

8 THE COURT: I'm sorry?

9 MR. ADAMS: Calls for hearsay.

10 THE COURT: Overruled.

11 Q. Did he make comments to you about other veterinarians that  
12 he dealt with?

13 A. Not that I remember, not vets.

14 Q. Owners and trainers?

15 A. No.

16 Q. Who was it then that he was making disparaging comments  
17 about?

18 A. In particular about Adel and the UAE, he would frequently  
19 be upset with him. There's a language barrier, so it's  
20 understandable.

21 Q. Didn't Dr. Fishman suggest that he knew better than anyone  
22 else about seeing to the safety and health of the racehorses  
23 for whom he was prescribing product?

24 MR. ADAMS: Objection.

25 THE COURT: Hearsay ground?



M1LTFIS3

Adams - Cross

1 MR. ADAMS: Yes.

2 THE COURT: Overruled. I assume you're not offering  
3 it for the truth.

4 MR. SERCARZ: Correct, your Honor, for state of mind.

5 THE COURT: Overruled.

6 THE WITNESS: Can you repeat that?

7 MR. SERCARZ: May I have it read by the reporter?

8 THE COURT: Please.

9 (Record read)

10 A. I don't recall that direct statement.

11 Q. Wasn't he arrogant when it came to his supposed knowledge  
12 of the safety and welfare of the racehorses and what would be  
13 good for them?

14 A. No.

15 Q. I want to go on to another subject momentarily. You talked  
16 to us a little bit about becoming involved in the investigation  
17 of Dr. Fishman. You mentioned that you -- after you left you  
18 heard about the arrest of other individuals in a horse doping  
19 investigation, is that correct?

20 A. Correct.

21 Q. Before that happened, you mentioned you were contacted by  
22 the Food & Drug Administration, is that correct?

23 A. Yes.

24 Q. When that happened, did you contact legal counsel?

25 A. I asked my attorney if I should do or say anything, yes.



M1LTFIS3

Adams - Cross

1 Q. And as a result of your conversations with your attorney,  
2 did you enter into a series of what are known as proffer  
3 agreements?

4 A. Not directly after that, no.

5 Q. Did there come a time when you entered into proffer  
6 agreements governing your conversations with the government?

7 A. I'm not sure exactly what that means. The FDA approached  
8 me in the beginning and I never spoke to them again.

9 Are you referring to the most recent interactions?

10 THE COURT: Just answer the question, Ms. Adams. If  
11 you're not able to answer it, say you're not able to. You  
12 don't get to ask questions.

13 A. I'm not able to answer that.

14 Q. Let me try to break it down. When was it that the FDA  
15 contacted you?

16 A. I don't recall the exact date.

17 Q. Can you give us your best approximation?

18 A. Sometime in 2018.

19 Q. And on that occasion, did you subject yourself to an  
20 interview?

21 A. I was forced to sit down, yes, with the FDA.

22 Q. Forced by whom?

23 A. The FDA.

24 Q. How did they force you to sit down with them?

25 A. They came in, showed their badges, and said they needed to



M1LTFIS3

Adams - Cross

1 speak with me, and I didn't know if I could say no.

2 Q. And as a result of your interview under those  
3 circumstances, were any reports created?

4 MR. ADAMS: Objection.

5 A. Not that I'm aware of.

6 MR. SERCARZ: I didn't hear the objection.

7 THE COURT: I didn't hear. Mr. Adams, do you have an  
8 objection?

9 MR. ADAMS: On the basis of the answer that arrived, I  
10 do not.

11 THE COURT: Okay. Ms. Adams, let me suggest that you  
12 give a second before you answer so that if there are objections  
13 I can deal with them. All right? Thank you.

14 THE WITNESS: Okay.

15 BY MR. SERCARZ:

16 Q. To the best of your recollection, was that your last  
17 contact with law enforcement until 2021?

18 A. Yes.

19 Q. In the interim, did you seek the advice of counsel?

20 A. Can you be more specific?

21 Q. Did you go to an attorney? Did you contact Ms. Tuchman?

22 A. Yes.

23 Q. And was that because you were afraid that --

24 MR. ADAMS: Objection.

25 THE COURT: He didn't ask a question yet. Let him



M1LTFIS3

Adams - Cross

1 finish the question and then I will hear.

2 Q. Leaving out the issue of why you contacted your lawyer,  
3 after that interview with the FDA were you afraid that you  
4 might be charged with crimes in connection with your work for  
5 Equestology?

6 A. Yes, the thought occurred to me.

7 Q. In connection with that thought, did you -- either you,  
8 yourself, or through your attorney -- approach members of law  
9 enforcement about speaking to them?

10 A. Yes, in 2021.

11 Q. And did those conversations result in some sort of a  
12 limited immunity or proffer agreement?

13 A. I'm not sure that's what the agreement I have is.

14 Q. Do you have nearby in your possession documents labeled  
15 Government Exhibits 3501-0003 and Government Exhibit 3501-0002?

16 A. No.

17 MR. SERCARZ: May I approach the government, your  
18 Honor?

19 THE COURT: Yes. If we need to get into the details  
20 about the logistics that we agreed to, maybe we ought to take  
21 the lunch break now.

22 MR. SERCARZ: That's fine, your Honor.

23 THE COURT: So we could work out some of these  
24 details.

25 MR. SERCARZ: That's fine.



M1LTFIS3

Adams - Cross

1 MR. CHOW: Your Honor, I think the instruction is very  
2 easy, but we're also happy to break at this point. She just  
3 needs to reach into the second binder she was instructed not to  
4 open.

5 THE COURT: All right. Mr. Adams, why don't you  
6 explain. Do you mind if he does this?

7 Why don't you talk briefly. I think Mr. Chow just  
8 told you.

9 Ladies and gentlemen of the jury, they are talking  
10 about some of the logistics that the lawyers agreed to ahead of  
11 time in order to facilitate Ms. Adams testifying remotely.

12 MR. SERCARZ: Your Honor, perhaps this is a way to be  
13 helpful: May I ask the witness before we break for lunch that  
14 she reach into the second binder, the one that she apparently  
15 does not have in the room with her now, and I will be asking  
16 her questions about that after the luncheon recess? Would that  
17 help?

18 THE COURT: Are you comfortable with her looking at  
19 that binder or would you direct her to looking at certain  
20 documents?

21 MR. SERCARZ: I'm comfortable with her looking at that  
22 binder, your Honor.

23 THE COURT: Is that acceptable to the government?

24 MR. ADAMS: Absolutely.

25 THE COURT: Mr. Fasulo, any objection?



MLTFIS3

Adams - Cross

1 MR. FASULO: Yes. Upon request by counsel as to what  
2 documents she needs to look at, I'm comfortable with her  
3 looking at those documents. I don't think it's appropriate to  
4 have full access to the binder and give testimony without us  
5 knowing exactly what she's doing.

6 THE COURT: Why don't you direct her where you want to  
7 go.

8 MR. SERCARZ: Yes, your Honor. Please take a look for  
9 now at Government Exhibit 3501-0002 and 0003 between now and  
10 when we reconvene.

11 THE COURT: Did you understand that?

12 THE WITNESS: Can you repeat that?

13 MR. SERCARZ: 3501-0002 and 0003.

14 THE WITNESS: Okay.

15 THE COURT: Thank you, Ms. Adams.

16 We're going to break for lunch now. Ms. Adams, you  
17 remain under oath and you may not speak with anyone about the  
18 substance of your testimony between now and when you resume.  
19 Do you understand that?

20 THE WITNESS: I understand, your Honor.

21 THE COURT: All right. And ladies and gentlemen of  
22 the jury, you can leave your notebooks here if you wish to do  
23 so. We'll take a break for lunch until 1:30. Please be ready  
24 five minutes or so before then so that Ms. Dempsey and her  
25 colleagues can escort you back up here. Please remember, do



M1LTFIS3

Adams - Cross

1 not talk about the case even among yourselves during the break.

2 All right. Thank you very much and have a good lunch  
3 and a good break.

4 (Jury not present)

5 THE COURT: I just need -- maybe Mr. Chow can show me  
6 where the 3500 materials are located in what you provided to me  
7 so that I can follow along.

8 And is there anything else that we need to talk about?

9 MR. SERCARZ: Not from us.

10 THE COURT: Have a good lunch, everyone, and I will  
11 see everyone here slightly before 1:30.

12 (Luncheon recess taken)

13 (Continued on next page)



M1LPFIS4

Adams - Cross

## A F T E R N O O N S E S S I O N

1:30 P.M.

(In open court; jury not present)

THE COURT: Please be seated, everyone. All right.  
Good afternoon. I'm told the jury is here. They'll be up  
momentarily.

(Jury present)

Be seated, please. Good afternoon. Thank you very  
much for being ready to start on time. Mr. Sercarz?

MR. SERCARZ: Thank you, your Honor.

THE COURT: Just one moment. Do we have Ms. Adams  
with us?

THE WITNESS: Yes.

THE COURT: All right. Good afternoon, Ms. Adams. As  
a reminder, you remain under oath.

And, Mr. Sercarz, whenever you're ready.

MR. SERCARZ: Thank you.

BY MR. SERCARZ:

Q. Good afternoon, Ms. Adams.

A. Good afternoon.

Q. Shortly before we broke, you mentioned that sometime in  
2020 you were approached by people from the FDA; do you recall  
that testimony?

A. Yes.

Q. And you had a conversation with them; am I correct?



M1LPFIS4

Adams - Cross

1 A. Yes.

2 Q. And I believe you said, as a result of that conversation,  
3 you were somewhat concerned; do you recall that?

4 A. Yes.

5 Q. There came a time thereafter that you learned that there  
6 had been arrests in an investigation related to this case; am I  
7 correct?

8 A. Correct.

9 Q. And I believe you said that you contacted agents of law  
10 enforcement because they were not getting a correct account or  
11 a full account; was that correct?

12 A. Yes.

13 Q. How did you know what account agents of law enforcement  
14 had?

15 A. By reading the article that I read, it didn't seem like  
16 they had the full picture.

17 Q. This was an article in the newspaper, is that what you're  
18 saying?

19 A. I'm not sure if it was a newspaper. I was sent a link; so  
20 it was an online link. I don't remember if it was associated  
21 with a newspaper.

22 Q. By whom were you sent this link?

23 A. One of my -- one of my friends that's in the horse  
24 industry.

25 Q. And as a result of having read this link, you were



M1LPFIS4

Adams - Cross

1 concerned that they -- the agents of law enforcement may have  
2 information about you that was incorrect; is that right?

3 A. No.

4 Q. What was the nature of your concern?

5 A. That they didn't have the full story of what Equestology  
6 was involved in.

7 Q. Well, up until then, you had not voluntarily gone in to see  
8 law enforcement; am I correct?

9 A. Correct.

10 Q. But at that point, you were concerned that they might not  
11 have the full story regarding Equestology; am I correct?

12 A. Yes.

13 Q. Fair to say that at the time you first went in to speak to  
14 agents of law enforcement, your motive was to implicate  
15 Equestology; isn't that correct?

16 A. No.

17 Q. You were concerned that they were missing certain salient  
18 facts; am I correct?

19 A. Yes.

20 Q. Were you concerned that those facts might reflect well upon  
21 you, these facts that they were missing?

22 A. Yes, it crossed my mind that it may effect me as well.

23 Q. In any event, you went in to see agents of law enforcement;  
24 am I right?

25 A. I didn't physically go to see anyone. I was gave contact



M1LPFIS4

Adams - Cross

1 information for them.

2 Q. As a result of that information, was there an interview or  
3 either telephonic that was arranged?

4 A. Yes, there was.

5 Q. And was that conducted pursuant to what's called a proffer  
6 agreement?

7 A. Yes.

8 Q. All right. I'd like to call your attention to two  
9 documents. Do you have in front of you Government's  
10 Exhibit 3501-0003 and then 0002?

11 A. Yes, I do.

12 Q. All right. Now, are these agreements that governed the  
13 circumstances under which these interviews were conducted?

14 A. I'm not really sure how to interpret this document in its  
15 extent.

16 Q. Well, take a look at them. They're called a proffer of  
17 limited immunity agreement; is that correct?

18 A. It says proffer agreement, yes, at the top.

19 Q. All right.

20 A. I'm not --

21 THE COURT: You've answered.

22 Q. Am I right -- the documents are not in evidence, but I'm  
23 inquiring into your state of mind. Were those documents that  
24 you had a chance to read and review before you conducted these  
25 telephonic interviews with agents of law enforcement?



M1LPFIS4

Adams - Cross

1 A. Yes.

2 Q. And did you understand, as a result of having reviewed  
3 these documents with your attorney, that under certain  
4 circumstances, nothing you said during those interviews could  
5 be used as evidence against you in any future prosecution?

6 A. I'm not sure I understand the question. Can you rephrase  
7 it?

8 Q. Sure. Was it your understanding of the import of those  
9 documents that it would protect you from having statements you  
10 made used against you in any way?

11 A. No.

12 Q. What was your understanding of those documents and why they  
13 were created?

14 A. My understanding was that I would tell the government what  
15 I knew, and after they knew -- sorry, after they reviewed  
16 everything I had told them, they would then decide whether an  
17 agreement would be made. It says right in here that it is not  
18 a -- I'm not being protected at this point any.

19 Q. Doesn't it indicate that as long as you tell the truth  
20 during that interview, that nothing that you say can be used  
21 against you?

22 A. I'm not sure. I'd have to read every sentence to find  
23 that. It says it's not a cooperation agreement.

24 Q. I understand. If I could lay my hands on it for a minute.

25 THE COURT: Mr. Sercarz, if you're going to come from



M1LPFIS4

Adams - Cross

1 behind that enclosure, you need to put your mask on.

2 MR. SERCARZ: I'm sorry, your Honor.

3 BY MR. SERCARZ:

4 Q. Take a look at Government's Exhibit 3501-0003 and, for  
5 example, paragraph 2?

6 A. Okay.

7 Q. And I'll wait a second while you read it.

8 (Pause)

9 A. Okay.

10 Q. Okay? Am I correct that the document speaks to whether or  
11 not in any subsequent prosecution, statements that you make  
12 during that telephonic interview can be used against you?

13 A. To be honest, I'm not sure exactly what --

14 Q. Take a look at Government's Exhibit 3501-0003. Is that  
15 your --

16 A. I --

17 Q. -- signature?

18 THE COURT: That's the same document, right, sir?

19 A. Yes.

20 MR. SERCARZ: I'm sorry, your Honor?

21 THE COURT: The same document you just --

22 MR. SERCARZ: Yes.

23 THE COURT: -- directed her to? Okay.

24 BY MR. SERCARZ:

25 Q. Is that your signature at the bottom of page 2?



M1LPFIS4

Adams - Cross

1 A. Yes, it is.

2 MR. SERCARZ: I offer it in evidence.

3 MR. ADAMS: No objection.

4 THE COURT: All right. It will be received.

5 BY MR. SERCARZ:

6 Q. Now, this document covers the interview that you had by  
7 phone on February 16th of 2021; does it not?

8 MR. ADAMS: Your Honor, I'm sorry.

9 THE COURT: Hold on.

10 A. Yes.

11 MR. ADAMS: Could we get an exhibit number for this?

12 I think --

13 MR. SERCARZ: We offer it as Defense Exhibit 1.

14 MR. ADAMS: Yes. Thank you, your Honor.

15 THE COURT: All right. It will be received as  
16 Defendant Exhibit 1. It's right now marked with Bates  
17 3501-0003.

18 MR. SERCARZ: Thank you, your Honor.

19 (Defendant's Exhibit 1 received in evidence)

20 BY MR. SERCARZ:

21 Q. Paragraph 2 of the agreement --

22 MR. SERCARZ: In fact, can we have it put up, your  
23 Honor? I think the government has it under 3501-0003.

24 THE COURT: Mr. Adams, is your team able to help  
25 Mr. Sercarz?



M1LPFIS4

Adams - Cross

1 MR. ADAMS: I believe so, your Honor.

2 THE COURT: Thank you.

3 BY MR. SERCARZ:

4 Q. Take a look at paragraph 2, Ms. Adams.

5 A. All right.

6 Q. Am I correct -- am I correct that it speaks to events that  
7 may occur in the event you are prosecuted?

8 A. Possibly. To be honest, I'm not sure how to interpret all  
9 the details of --

10 Q. Let me read it to you, if I may, given that it's in  
11 evidence --

12 A. Okay.

13 Q. -- and we'll talk about what it meant to you.

14 THE COURT: Okay. Excuse me. Both, Mr. Sercarz and  
15 Ms. Adams, please let each other finish. You're stepping on  
16 each other's answers and questions.

17 MR. SERCARZ: I'll try and be careful, your Honor.  
18 Thank you.

19 Q. I'm going to read it to you, and then ask you a question,  
20 okay?

21 Paragraph 2: "In any prosecution brought against  
22 client by this office, except as provided below, the government  
23 will not offer in evidence on its case in chief, or in  
24 connection with any sentencing proceeding for the purpose of  
25 determining an appropriate sentence, any statements made by



M1LPFIS4

Adams - Cross

1 client at the meeting, except (a) in a prosecution for false  
2 statements, obstruction of justice or perjury, with respect to  
3 any acts committed or statements made during or after the  
4 meeting or testimony given after the meeting; or (b) if at any  
5 time following the meeting, client becomes a fugitive from  
6 justice." Do you see that paragraph?

7 A. Yes.

8 Q. All right. Now, do you understand that the word "client"  
9 refers to you?

10 A. Yes.

11 Q. And do you understand that the word "office" refers to the  
12 office of the United States Attorney?

13 A. Yes.

14 Q. And would it be fair to say, then, that it was your  
15 understanding that this paragraph spoke about a potential  
16 prosecution against you, the client, by the office, meaning the  
17 United States Attorney's Office for the Southern District of  
18 New York?

19 A. Yes.

20 Q. And that this paragraph deals with the circumstances under  
21 which the government would be free to use your statements  
22 against you and the circumstances under which they would be  
23 limited against using these statements against you?

24 A. I'm not sure I follow that, but....

25 Q. Have you completed your answer?



M1LPFIS4

Adams - Cross

1 A. Yeah.

2 Q. What is your understanding of this paragraph?

3 A. That as long as I do not break the (a), (b) parts of it,  
4 that they're not going to prosecute me for what I say.

5 Q. All right. And would it be fair to say that, subsequently,  
6 you entered into another one of these agreements to govern a  
7 telephonic conversation that you had on June 17th of 2021? And  
8 I call your attention to Government's Exhibit 3501-0002.

9 A. Yes.

10 Q. And for the sake of saving time, would it be fair to say  
11 that that second agreement appears to be identical in all  
12 respects to the one that I've introduced as an exhibit?

13 THE COURT: Mr. Sercarz, I don't know that your  
14 question saves time. Do you want to make that representation?

15 MR. SERCARZ: I would, your Honor.

16 THE COURT: Is that acceptable?

17 MR. ADAMS: Apart from the date, yes, your Honor.

18 THE COURT: All right. Thank you.

19 There's no question, Ms. Adams.

20 MR. SERCARZ: Very well.

21 BY MR. SERCARZ:

22 Q. Then you signed a similar agreement in connection with the  
23 second telephone conversation that you had with the government  
24 on June 17th of 2021; am I correct?

25 A. Yes.



M1LPFIS4

Adams - Cross

1 Q. And would it be fair to say that at the time that you were  
2 talking to the agents, it was your hope that you would not be  
3 prosecuted for crimes relating to your employment at  
4 Equestology?

5 A. Yes.

6 Q. And that you were thinking about that concern that you had  
7 in answering the questions that were posed by the agents at the  
8 meeting?

9 A. Yes, I was thinking about that.

10 Q. Now, after you had engaged in those two telephonic  
11 conversations, you subsequently received a non-prosecution  
12 agreement; am I correct?

13 A. Correct.

14 Q. Do you have that agreement in front of you?

15 A. Yes, I do.

16 Q. I believe that the version you have is Government's  
17 Exhibit 9 -- is it 9001?

18 MR. ADAMS: 11,000.

19 MR. SERCARZ: 11,000.

20 THE COURT: That's in the first binder?

21 MR. ADAMS: It's in the Government exhibit binder.

22 THE COURT: Thank you.

23 BY MR. SERCARZ:

24 Q. I'd ask you to take a look back in the government's exhibit  
25 binder at Government's Exhibit 11,000.



M1LPFIS4

Adams - Cross

1 A. Okay.

2 Q. And this is the cooperation agreement that you received; am  
3 I correct?

4 MR. ADAMS: Objection, mischaracterizes.

5 THE COURT: Sustained.

6 MR. SERCARZ: I'm sorry, your Honor. I didn't hear  
7 your ruling.

8 THE COURT: Sustained.

9 A. Yes, it is the offer that I received.

10 THE COURT: No, if there's an objection, Ms. Adams,  
11 that I sustained, you don't answer.

12 THE WITNESS: Oh, I'm sorry.

13 THE COURT: All right?

14 BY MR. SERCARZ:

15 Q. Is this the agreement that governs your relationship with  
16 the prosecution and the Court as of today?

17 A. Yes.

18 Q. Now, with regard to this agreement, and I believe you  
19 testified about this on direct, it requires you to do certain  
20 things; am I correct?

21 A. Correct.

22 Q. Now, if you'll take a look at the third paragraph in the  
23 agreement, it requires you, among other things --

24 MR. SERCARZ: By the way, may we have this agreement  
25 posted, your Honor, since it's in evidence?



M1LPFIS4

Adams - Cross

1 MR. ADAMS: Sorry, your Honor, it's not in evidence,  
2 but I have no objection to it being admitted.

3 THE COURT: All right. It will be -- are you offering  
4 it?

5 MR. SERCARZ: I offer it in evidence. Thank you. I'm  
6 sorry.

7 THE COURT: It will be admitted without objection, and  
8 then, Mr. Adams, is your team able to help Mr. Sercarz by  
9 pulling this up?

10 MR. ADAMS: Yes, your Honor. For simplicity sake, if  
11 we can keep this designated as Government Exhibit 11,000?

12 MR. SERCARZ: No objection. Thank you. Thank you,  
13 Mr. Adams.

14 THE COURT: Okay.

15 (Government's Exhibit 11,000 received in evidence)

16 THE COURT: Is this -- are you all able to see it?  
17 Thank you. Thank you, Mr. Adams.

18 MR. ADAMS: Sure.

19 BY MR. SERCARZ:

20 Q. Now, among the things that you are required to do in order  
21 to avoid being prosecuted, pursuant to the terms of the  
22 agreement, and I call your attention to the third paragraph,  
23 subsection (c) says you "shall attend all meetings at which  
24 this office requests your presence;" am I correct?

25 A. Yes.



M1LPFIS4

Adams - Cross

1 Q. Subsection (d) says you "will provide, upon request, any  
2 document, record or other tangible evidence relating to the  
3 matters about which this office or any designated law  
4 enforcement agency inquires of you;" is that correct?

5 A. Yes.

6 Q. In addition, you "must testify truthfully before any grand  
7 jury, at any trial, and any other court proceeding with respect  
8 to any matters about which the office may request your  
9 testimony;" is that correct?

10 A. Yes.

11 Q. Sub (f) indicates that you "shall bring to the office's  
12 attention all crimes which you have committed and all  
13 administrative, civil or criminal proceedings, investigations  
14 or prosecutions in which you have been a subject, target, party  
15 or witness;" do you see that?

16 A. Yes.

17 Q. And sub (g) says you "shall commit no crimes whatsoever."  
18 Do you see that?

19 A. Yes.

20 Q. Now, in addition to that, there is a requirement laid out  
21 in subdivision (b). I want you to take a look at that and read  
22 it.

23 A. "Shall cooperate fully with this office" --

24 Q. I apologize. I just wanted you to look at it for the  
25 moment.



M1LPFIS4

Adams - Cross

1 THE COURT: You said "and read it." You meant read it  
2 to herself?

3 MR. SERCARZ: Yes, sorry.

4 Q. Read it to yourself.

5 A. Okay.

6 Q. Okay? Now, during the course of your cooperation, you have  
7 been interviewed by agents of law enforcement; am I correct?

8 A. Yes.

9 Q. They included agents of the FBI; am I correct?

10 A. Yes.

11 Q. All right. Beyond the requirements of those other  
12 subsections that you have read to us out loud, what additional  
13 type of cooperation is required by subsection (b) of this  
14 agreement?

15 A. Can you rephrase that?

16 Q. What is it that you're required to do in subsection (b)  
17 that you weren't already required to do by all the other  
18 paragraphs of this agreement?

19 THE COURT: Including subparagraph (a), which you  
20 didn't read into the record.

21 MR. SERCARZ: Yes, your Honor.

22 A. Nothing that I'm aware of.

23 Q. Do you have any understanding as to why this additional  
24 paragraph was included?

25 A. No.



M1LPFIS4

Adams - Cross

1 Q. And am I reading it correctly when it says "shall cooperate  
2 fully with this office, the Federal Bureau of Investigation,  
3 and any other law enforcement agency designated by this  
4 office;" did I read it correctly?

5 A. Yes.

6 Q. What did you think might happen to you if you were  
7 interviewed by the Federal Bureau of Investigation and they  
8 didn't think you were telling the truth?

9 A. I don't know.

10 Q. What did you think might happen to you if you were  
11 interviewed by the Federal Bureau of Investigation and they  
12 thought you had left something out?

13 A. They would ask me to elaborate.

14 Q. And that's it?

15 A. Besides that, I didn't think about it.

16 Q. What did you think might happen to you if you were  
17 questioned by the Federal Bureau of Investigation, and they  
18 thought you were withholding information regarding Dr. Fishman?

19 A. That I could possibly be in trouble.

20 Q. According to your understanding of this agreement, who is  
21 it that decides whether or not you have provided full and  
22 comprehensive information?

23 A. The government.

24 Q. Did you ever, during the course of any of your interviews,  
25 answer questions in such a way that you thought it might help



M1LPFIS4

Adams - Cross

1 you to avoid prosecution in this agreement -- according to this  
2 agreement?

3 A. No.

4 Q. Now, you've testified regarding your relationship with  
5 Geoffrey Vernon; am I correct?

6 A. Yes.

7 Q. And about your dealings with Mr. Vernon; am I correct?

8 A. Yes.

9 MR. SERCARZ: May I have a moment, your Honor?

10 THE COURT: Sure.

11 (Pause)

12 BY MR. SERCARZ:

13 Q. Do you recall being asked questions regarding Mr. Vernon's  
14 business practices?

15 A. Can you be more specific?

16 Q. Yes. Did Mr. Vernon have any specific requests regarding  
17 whether or not products shipped to him would be labeled?

18 A. Yes.

19 Q. And what was his request in that regard?

20 A. That all products be labeled properly.

21 Q. And what did you understand him to mean by "properly"?

22 A. With a full label.

23 Q. With a full --

24 A. With a label.

25 Q. There was another word you used, and I just didn't hear it.



M1LPFIS4

Adams - Cross

1 A. A full label.

2 Q. And what did -- what did you understand him to mean by "a  
3 full label"?

4 A. Not just a simple sticker that had a number or a letter on  
5 it or an abbreviation.

6 Q. Do you recall being interviewed by agents of law  
7 enforcement on February 16th of 2020 and being asked about  
8 Mr. Vernon and his requests, and telling them that Mr. Vernon  
9 wanted plain, generic labeling, along with directions for how  
10 to use the products?

11 A. I don't remember if I said that on that date.

12 Q. All right. Do you have handy Government's Exhibit 3501-04?

13 A. The binder is not in the room with me.

14 MR. SERCARZ: Your Honor, may we ask the witness to  
15 get the binder?

16 THE COURT: Yes. Is your counsel available to bring  
17 that exhibit to you?

18 MR. ADAMS: Your Honor, I think I mentioned earlier  
19 that her counsel is not actually physically present today, but  
20 I can instruct Ms. Adams to go and get the binder.

21 THE COURT: I'll instruct her.

22 Ms. Adams, are you able to go -- is the binder in  
23 another room where you are?

24 THE WITNESS: Yes. It's in a different room in my  
25 house.



M1LPFIS4

Adams - Cross

1 THE COURT: Mr. Sercarz, are there any other  
2 documents --

3 MR. SERCARZ: Yes, your Honor.

4 THE COURT: -- besides this that you want her to  
5 retrieve?

6 MR. SERCARZ: I would ask the Court to instruct the  
7 witness, when she goes to retrieve that document, also to  
8 retrieve 3501-05 and 3501-08.

9 THE COURT: Okay.

10 THE WITNESS: Just those two?

11 THE COURT: Well, 04.

12 MR. SERCARZ: 04, 05 and 08.

13 THE COURT: And 08.

14 THE WITNESS: All right.

15 THE COURT: All right. We'll wait for you, Ms. Adams.

16 THE WITNESS: All right.

17 (Pause)

18 THE COURT: Excuse me. Do the jurors need us to close  
19 those shades? No? Okay.

20 All right. Ms. Adams, you have the documents that you  
21 were asked to retrieve?

22 THE WITNESS: Yes, I do.

23 THE COURT: All right, Mr. Sercarz.

24 MR. SERCARZ: Thank you, your Honor.

25 BY MR. SERCARZ:



M1LPFIS4

Adams - Cross

1 Q. First of all, calling your attention to Government  
2 Exhibit 3501-004, and I call your attention in particular to  
3 page 4, the second paragraph on the page. Read it to yourself,  
4 and I ask you, looking at the second sentence in that  
5 paragraph, whether it refreshes your recollection that Geoff  
6 had specific requests on product labeling and that all  
7 products --

8 THE COURT: Excuse me. Is this in evidence?

9 MR. ADAMS: It is not.

10 MR. SERCARZ: No.

11 THE COURT: You read from a document that's not in  
12 evidence. You can direct her attention to it, and you can ask  
13 her a question, but you can't read it --

14 MR. SERCARZ: Yes, your Honor.

15 THE COURT: -- if it's not in evidence.

16 BY MR. SERCARZ:

17 Q. I direct your attention to that portion of that document,  
18 and I ask you whether it refreshes your recollection that  
19 Mr. Vernon wanted a plain, generic-looking label with  
20 directions of use on the label?

21 A. Yes.

22 Q. Now, by the way, the interview at which you were asked  
23 those questions took place on February 16th of 2020; would that  
24 be correct?

25 A. Can you repeat that, please?



M1LPFIS4

Adams - Cross

1 Q. Yes. The interview at which you were asked the question  
2 and told the agents that he wanted generic labels with  
3 information as to usage on them, took place on February 16th of  
4 2020; is that correct?

5 A. I don't remember.

6 Q. You don't recall the date?

7 A. No, I'm not sure if I said that on that date.

8 Q. All right. Fair enough. Just before I leave it, would you  
9 please look at page 1, in the upper left-hand corner, and just  
10 tell us if that refreshes your recollection as to the date of  
11 the interview?

12 A. Yes.

13 Q. "Yes," meaning it refreshes your recollection?

14 A. Yes, if this is a document --

15 Q. Don't refer to the content of the document. The only thing  
16 I'm permitted to ask you is whether it refreshes your memory as  
17 to when the interview took place.

18 THE COURT: And, Ms. Adams, reading from the document  
19 is not refreshing your recollection. Looking at that, do you  
20 now have an independent recollection of what Mr. Sercarz is  
21 asking you?

22 THE WITNESS: I believe so. Can I ask a question?

23 THE COURT: No. Just wait for the next question.

24 MR. SERCARZ: I'll leave it, your Honor.

25 THE COURT: Yup.



M1LPFIS4

Adams - Cross

1 BY MR. SERCARZ:

2 Q. Do you recall being interviewed by agents of the Federal  
3 Bureau of Investigation on November 2nd of 2020?

4 A. No.

5 Q. All right. Let me put it this way. On a subsequent  
6 occasion, do you recall telling agents of the Federal Bureau of  
7 Investigation that --

8 MR. ADAMS: Objection.

9 THE COURT: Are you reading from the document? Is  
10 that the objection?

11 MR. ADAMS: That is the objection.

12 THE COURT: Are you, Mr. Sercarz?

13 MR. SERCARZ: I'm not about to read from the document.  
14 I'm about to ask a general question.

15 THE COURT: Let's hear the question, and then I'll --

16 BY MR. SERCARZ:

17 Q. Am I correct that in a subsequent interview with the FBI,  
18 you told the agents that Mr. Vernon didn't want labels on the  
19 products that were shipped to him?

20 A. I don't recall.

21 Q. I'd ask you, if I may, to take a look at Government's  
22 Exhibit 3501-0005, in particular, at the top of the second  
23 page, the first line. Read it to yourself, and then I'll ask  
24 you a question.

25 (Pause)



M1LPFIS4

Adams - Cross

1 A. How far do you want me to read? Sorry.

2 Q. I'd ask you to read the sentence beginning at the bottom of  
3 page 1 and going over to the top of page 2.

4 A. Okay.

5 THE COURT: Have you finished reading? There's no  
6 question yet.

7 THE WITNESS: Not quite.

8 THE COURT: Tell us when you're ready.

9 (Pause)

10 THE WITNESS: Okay.

11 BY MR. SERCARZ:

12 Q. Okay? Does that refresh your recollection that on the  
13 occasion of at least one other interview, you told the agents  
14 that Geoffrey Vernon didn't want labels on the drugs that were  
15 shipped to him?

16 A. I'm not sure how to answer the question.

17 Q. After reading the document, do you have a memory of what  
18 you told the agents on at least one interview, other than the  
19 one we spoke about earlier?

20 A. Yes.

21 Q. And is your memory, which has now been refreshed, that  
22 Dr. Vernon -- withdrawn -- that Mr. Vernon didn't want labels  
23 on the drugs that were shipped to him?

24 A. He would occasionally ask for that.

25 Q. When you say "occasionally," meaning there were only a few



M1LPFIS4

Adams - Cross

1 instances in which Mr. Vernon specifically requested unlabeled  
2 product; is that correct?

3 A. Yes.

4 Q. Do you recall telling the agents of law enforcement on a  
5 third occasion that the unlabeled drugs that were purchased by  
6 Vernon were stored in a freezer at Dr. Fishman's office?

7 A. Yes.

8 Q. Was there a reason why you told the agents on one occasion  
9 that he wanted generic labels, and on another occasion, that  
10 all of his unlabeled drugs were stored in a freezer?

11 A. Can you repeat that? Sorry, it broke up.

12 MR. SERCARZ: May I have it read?

13 THE COURT: Are you able to read it? Thank you.

14 (Record read)

15 A. Yes.

16 Q. Why?

17 A. Between the two interviews, I would -- was going back  
18 through all of my --

19 THE COURT: Hold on. Could you turn that off? Thank  
20 you.

21 All right. Go ahead, Ms. Adams. I'm sorry.

22 A. Between the two interviews, when I was asked to look for  
23 additional documents and e-mails between Geoff Vernon and I, I  
24 found a few e-mails where he did request certain products  
25 without any labels.



M1LPFIS4

Adams - Cross

1 Q. And that was -- it is your testimony now that this is only  
2 something that happened on occasion; is that correct?

3 A. Yes.

4 Q. But that there was a place set aside in the refrigerator to  
5 store those unlabeled products; am I correct?

6 A. There was no specific place, but they were to be stored in  
7 the fridge or freezer.

8 Q. Only the unlabeled products; was that correct?

9 A. No.

10 Q. Were the unlabeled products different than the products  
11 that were being sent to him with labels on them?

12 A. I'm not sure I understand the question. Can you say it  
13 again?

14 Q. May I have it reread?

15 (Record read)

16 A. I'm not sure how to answer that.

17 Q. Fair enough. I'd like to go back with you to the first  
18 binder that you were using on your testimony.

19 A. Okay.

20 Q. Now, I believe you testified on direct examination that you  
21 were unaware of any instance in which Dr. Fishman examined a  
22 racehorse. Was that your testimony?

23 A. Yes.

24 Q. Were you aware that Dr. Fishman consulted with other  
25 veterinarians in the examination and treatment of racehorses?



M1LPFIS4

Adams - Cross

1 A. I was not.

2 Q. I'd like to call your attention to Government's  
3 Exhibit 1904, which the government went over with you this  
4 morning.

5 A. Okay.

6 Q. I'd like you to take a look at page 2 of this exhibit.

7 THE COURT: Are you intending or asking that it be  
8 pulled up?

9 MR. SERCARZ: I'm sorry, your Honor? Please, yes.

10 THE COURT: Mr. Adams --

11 MR. SERCARZ: Now, I ask that page 2 be pulled up.

12 THE COURT: -- are you willing to help out?

13 MR. ADAMS: Absolutely, every time.

14 THE COURT: Thank you.

15 MR. SERCARZ: Thank you. You can stop right there.

16 BY MR. SERCARZ:

17 Q. Are you able to see on the screen in front of you, the  
18 letter from Dr. Fishman to Dr. Zanaty?

19 THE COURT: I don't think she has the screen. I think  
20 she's looking at --

21 Q. Can you look at your book?

22 MR. SERCARZ: Apologies, your Honor.

23 Q. Can you take a look at your book, at page 2 --

24 A. Yes.

25 Q. -- to the message from Seth to Dr. Zanaty toward the bottom



M1LPFIS4

Adams - Cross

1 of the page?

2 A. Okay.

3 Q. Okay? And the message reads: "Please let me know the  
4 exact tendon and the type of injury you are looking to treat.  
5 Are you looking to accelerate healing of an acute injury or  
6 looking to block the pain for a more chronic injury? Or maybe  
7 both?" Do you see that?

8 A. Yes.

9 Q. Now, the question I just asked you is whether you were  
10 aware of any instance in which Dr. Fishman was consulted in  
11 connection with the examination or treatment of an animal, and  
12 you've been asked on several occasions to interpret these  
13 conversations. Would you tell me whether or not this  
14 conversation doesn't refer to Dr. Fishman being consulted  
15 regarding the treatment of an animal?

16 MR. ADAMS: Objection, speaks for itself.

17 THE COURT: Sustained. To the form of the question.

18 Q. What do you understand this conversation to be about?

19 A. Seth asking this Dr. Zanaty about exactly what he wants.

20 Q. And do you have any understanding of the purpose for which  
21 Dr. Fishman is asking the question?

22 A. So he knows what to make him.

23 Q. And would it be your understanding that Dr. Fishman wanted  
24 to learn what to make Dr. Zanaty in order better to treat the  
25 tendon injury that's described in the letter?



M1LPFIS4

Adams - Cross

1 A. Yes.

2 Q. Now, you were aware, in the course of your responsibilities  
3 as the administrative assistant to Dr. Fishman, that he  
4 traveled; am I correct?

5 A. Yes.

6 Q. Made numerous trips abroad to the United Arab Emirates; am  
7 I correct?

8 A. Correct.

9 Q. That he traveled to California; am I correct?

10 A. California, I do not remember.

11 Q. Do you recall that he traveled elsewhere within the United  
12 States?

13 A. Yes.

14 Q. I think you also mentioned Singapore, Dubai and other  
15 places; am I correct?

16 A. Correct.

17 Q. Did you tell the ladies and gentlemen of the jury that he  
18 never consulted with other veterinarians regarding the  
19 treatment of animals during any of those visits?

20 A. Is this a yes or no or --

21 THE COURT: Is that what you're telling the jurors?

22 A. I am not -- I was not aware of his travel was for that  
23 purpose.

24 Q. Now, you testified that when you began working for  
25 Dr. Fishman, your principal job was to help put his documents



M1LPFIS4

Adams - Cross

1 in order; is that correct?

2 A. Yes.

3 Q. He really had no file system to speak of; am I right?

4 A. Correct.

5 Q. And I think you stated that among the documents that were  
6 absent from any file system were invoices and receipts for  
7 billing; am I correct?

8 A. Correct.

9 Q. That he had no system of client lists; am I correct?

10 A. No -- he didn't have a system that was easy to access and  
11 find things, no.

12 Q. All right. No system of cataloging prior orders by  
13 customers for products; am I right?

14 A. Correct.

15 Q. Now, did that mean to you that he had no appointments?

16 A. No.

17 Q. Did that mean to you that he had no clients?

18 A. No.

19 Q. Did that mean to you that there were no clients who owed  
20 him money?

21 A. No.

22 Q. You were also unable to get your hands on correspondence  
23 between my client and customers; am I correct?

24 A. I'm not sure how to answer that.

25 Q. Well, were you able to find and to catalog and store



M1LPFIS4

Adams - Cross

1 correspondence between Dr. Fishman and his customers?

2 A. I was not asked to do that, that I remember.

3 Q. And fair to say you don't know whether he had customers who  
4 were corresponding with him regarding the medical care of their  
5 animals or not; isn't that correct?

6 A. I'm not sure how to answer that. Can you be more specific?

7 Q. You testified that you didn't see any prescriptions written  
8 by Dr. Fishman; am I correct?

9 A. That's not correct.

10 Q. Then you did see prescriptions written by Dr. Fishman; am I  
11 correct?

12 A. Yes, I had seen a photo of a prescription.

13 Q. Was this a photo of a prescription for the treatment of a  
14 medical condition in an animal?

15 A. I don't recall.

16 Q. Would it be fair to say that among the items that you were  
17 unable to find and catalog were prescriptions for the treatment  
18 of animals?

19 A. Possibly, yes.

20 Q. Does this mean to you that there were no prescriptions or  
21 that you were unable to find them and catalog them?

22 A. I was unable to find them and catalog them.

23 Q. During the course of the time you spent in Dr. Fishman's  
24 home, in your office within his home, did you ever hear him in  
25 conversation with other people regarding business matters?



M1LPFIS4

Adams - Cross

1 A. Yes.

2 Q. And did you hear him talking about the condition of animals  
3 during those conversations, without telling me exactly what was  
4 said?

5 A. No, I don't remember.

6 Q. You don't recall any conversations regarding the treatment  
7 of animals?

8 A. No, I don't.

9 Q. During the time you spent working for Dr. Fishman, did he  
10 make use of the phone to conduct business?

11 A. Yes.

12 Q. Did he make use of the computer to conduct business?

13 A. Yes.

14 Q. Were you aware of all of the conversations that he had on  
15 his phone?

16 A. No.

17 Q. Were you aware of all of the correspondence back and forth  
18 on his computer?

19 A. No.

20 Q. Would it be fair to say you're not prepared to tell us  
21 whether or not any of it related to the care and treatment of  
22 animals?

23 A. Can you repeat that? The beginning was cut off.

24 Q. I'll withdraw it. I'll withdraw it.

25 During the course of your relationship with



M1LPFIS4

Adams - Cross

1 Dr. Fishman, were you involved in trying to learn the business  
2 of distributing these products to his customers?

3 A. Yes.

4 Q. On at least one occasion, did Dr. Fishman bring you with  
5 him on a business trip to Dubai?

6 A. Yes.

7 Q. Were you present on that occasion at a dinner in which  
8 Dr. Andrew Marty and a Dr. Ashan were present?

9 A. I don't recall if those two were at the dinner.

10 Q. Do you recall that, among those that were at the dinner,  
11 there was discussion of medications for the treatment of  
12 animals?

13 A. I don't remember the conversations from those dinners.

14 Q. Among the places that you went with Dr. Fishman and others,  
15 did you go to breeding stables in Dubai?

16 A. I did not.

17 Q. Did you go to veterinary hospitals in Dubai?

18 A. No.

19 Q. To your knowledge, did Dr. Fishman visit those locations on  
20 those trips?

21 A. No.

22 Q. You heard questions asked on the subject of testability,  
23 and you said that it was one of the most important things to  
24 Dr. Fishman, to make sure that his products were untestable; is  
25 that correct?



M1LPFIS4

Adams - Cross

1 A. Correct.

2 Q. All right. I'd like to call your attention to the exhibit  
3 tab, the Government's Exhibit 401, I think it's II. It's hard  
4 for me to read that. Can we have it brought up on the  
5 computer? Thank you.

6 And I believe you were asked about what you understood  
7 this conversation to be about. Do you recall that?

8 A. Yes.

9 Q. Now, in the first paragraph, "Geoff indicates he wants to  
10 know whether EGH is testable," correct?

11 A. Correct.

12 Q. And by the way, the best of your understanding, Geoff was  
13 Geoffrey Vernon; am I correct?

14 A. Correct.

15 Q. And incidentally, just by way of reminder, Geoffrey Vernon  
16 was involved with the United States equestrian team; am I  
17 correct?

18 A. Correct.

19 Q. All right. Mr. Fishman's response -- I'd like to go  
20 through it sentence by sentence, if you don't mind. First  
21 sentence is "Listen Geoff needs to talk to me." Do you see  
22 that?

23 A. Yes.

24 Q. Fair to say that he is telling you that he can't just send  
25 a message through you as to whether or not this product is



M1LPFIS4

Adams - Cross

1 testable; that he needs to speak to Dr. Fishman directly?

2 A. Exactly.

3 Q. All right. The next sentence says "things are not black  
4 and white;" do you see that clause?

5 A. Yes.

6 Q. What did you understand that to mean?

7 A. It's not as simple.

8 Q. All right. The next part of that sentence says "and  
9 itself, no;" did you understand that to mean that while the EGH  
10 may not be testable, the whole subject of testability with  
11 regard to this product was not black and white?

12 A. Yes.

13 Q. The next sentence says "but too much can raise  
14 testosterone;" do you see that?

15 A. Yes.

16 Q. And it follows with a sentence that says "Also, he should  
17 be using the modified MGF more than EGH;" do you see that?

18 A. Yes.

19 Q. Did those two last sentences mean to you that giving the  
20 animal EGH may prompt inadvertent positive results to a test  
21 for testosterone?

22 A. Yes, that's how I would interpret that.

23 Q. And does the last sentence mean that he wants to give Geoff  
24 the additional advice of using modified MGF more than EGH?

25 A. Yes.



M1LPFIS4

Adams - Cross

1 Q. Would it be fair to say that this conversation, at least in  
2 part, demonstrated that Dr. Fishman wanted to avoid an  
3 inadvertent positive test result?

4 A. Yes.

5 Q. Now, I'd like to ask you some questions about your work in  
6 labeling products. Can we go the to Government's Exhibit 1910?  
7 GX1910 in the binder. And if we may, can we have it brought up  
8 on the screen?

9 Do you have it in front of you?

10 A. Yes.

11 Q. Now, first of all, if you could go to the last page of this  
12 exhibit?

13 A. Okay.

14 Q. Am I correct that Dr. Fishman makes a point of telling the  
15 customer for this product to administer it slowly, with  
16 emphasis on the word "slowly"?

17 A. Correct.

18 Q. Am I also correct that all of the e-mails in this string  
19 refer to a pain shot; am I correct?

20 A. Let me see for one moment.

21 (Pause)

22 Yes, with the exception that another label is  
23 partially in with the photos that's not referred to.

24 Q. Now, I believe you testified this morning in connection  
25 with the labels for the pain shot, that Dr. Fishman actually



M1LPFIS4

Adams - Cross

1 wanted the label to be made bigger; do you recall that?

2 A. I don't recall me saying it to be bigger. To be edited.

3 Q. To be edited how?

4 A. By the colors in the label.

5 Q. To be clear, you were involved in labeling over a long  
6 period of time during the course of your employment with

7 Dr. Fishman; am I correct?

8 A. Correct.

9 (Continued on next page)

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M1LTFIS5

Adams - Cross

1 BY MR. SERCARZ:

2 Q. During the course of your relationship with Dr. Fishman,  
3 did he ever take a label from an FDA approved product and put  
4 it in front of you and say here's what I want my label to look  
5 like?

6 A. I don't recall.

7 Q. Did he ever say to you with regard to an FDA label, make it  
8 look like this so that it will pass muster with the FDA?

9 A. Not that I remember, no.

10 Q. In fact, he never asked you to include the name of a  
11 prescribing physician on a label, isn't that correct?

12 A. Not that I remember, no.

13 Q. He never asked you to include all of the active ingredients  
14 on a label, am I correct?

15 A. No.

16 Q. "No," meaning I'm wrong or "no," meaning I'm correct?

17 A. "No," meaning you're wrong.

18 Q. All right. He asked you to include ingredients on  
19 occasion, am I correct?

20 A. Correct.

21 Q. But did he ever ask you include all of the active  
22 pharmaceutical ingredients or API on a label?

23 A. I don't recall.

24 Q. He certainly didn't ask you to make it your practice in  
25 every case to include all of the active pharmaceutical



M1LTFIS5

Adams - Cross

1 ingredients, am I correct?

2 A. Correct.

3 Q. He never asked you to indicate on the label that the drugs  
4 were FDA approved, did he?

5 A. No.

6 Q. And yet, at least in connection with these pain shot  
7 medications, the discussion was about changing the color of the  
8 medication -- of the label, am I correct?

9 A. Yes.

10 Q. About making it bigger or smaller, am I correct?

11 A. Possibly, they refer -- I'm not sure, I would have to read  
12 it.

13 Q. About changing the size of the horse on the Equestology  
14 label?

15 A. Yes.

16 Q. Am I correct that very often the content of the label was  
17 dictated by the customer rather than by Dr. Fishman?

18 A. No.

19 Q. Wouldn't the customers weigh in on what they wanted on a  
20 particular label?

21 A. Not to my knowledge.

22 Q. Didn't you just tell us within the last half hour that  
23 Geoffrey Vernon wanted generic labels with the ingredients on  
24 them?

25 A. I did, but I was not, again, just with the customers.



M1LTFIS5

Adams - Cross

1 Q. Did Geoff order product from Dr. Fishman?

2 A. He did, yes.

3 Q. Did he have any input into what the label would look like?

4 A. Yes, he did.

5 THE COURT: Are you finished, Mr. Sercarz?

6 MR. SERCARZ: No, your Honor, forgive me.

7 Q. You spoke on direct examination about ensuring that someone  
8 who worked in the position of administrative assistant would be  
9 trustworthy. Do you recall that testimony?

10 A. Yes, I do.

11 Q. And you stated that by "trustworthy," you mean that they  
12 wouldn't talk about Dr. Fishman's work, is that correct?

13 A. Correct.

14 Q. Can you take a look at Government Exhibit 401AA in the  
15 binder.

16 MR. SERCARZ: And I would ask that it be brought up on  
17 the screen.

18 A. Okay.

19 Q. In describing an individual here, were you talking about  
20 someone that you hoped would be able to succeed you as an  
21 administrative assistant?

22 A. Yes.

23 Q. This was an interview candidate for the job, is that the  
24 idea?

25 A. Yes.



M1LTFIS5

Adams - Cross

1 Q. Your description of this individual -- and I'm looking at  
2 the first paragraph -- is the guy was pretty cool. Definitely  
3 more of what I pictured as an office manager.

4 Do you see that?

5 A. Yes.

6 Q. And continuing: Very calm and organized. Correct?

7 A. Yes.

8 Q. He is also into working out, so might have a lot in common,  
9 and is interested in doing personal assistant stuff for you,  
10 too. Do you see that?

11 A. Yes.

12 Q. The words, "you, too," indicate that this was an additional  
13 part of what he might be looking for in the way of a job, is  
14 that correct?

15 A. Yes.

16 Q. What was the primary responsibility for which he was being  
17 interviewed?

18 A. To be office manager of Equestology.

19 Q. And it was in that context that you wrote the next  
20 sentence, which is: But can he be trusted, and why he looking  
21 for this job after last employment?

22 Do you see that?

23 A. Yes, but Seth sent that, not me.

24 Q. All right. And it was in this context that the word  
25 "trusted" first appears, am I correct?



M1LTFIS5

Adams - Cross

1 A. Yes.

2 Q. And this is the same thing that Seth is talking about at  
3 the bottom of the page when he says he seemed trustworthy, is  
4 that correct?

5 A. Yes.

6 Q. And by the way, is that you or Mr. Fishman who says he  
7 seemed trustworthy?

8 A. That's Seth saying that.

9 Q. All right. Had Seth met him at that point?

10 A. No.

11 Q. And yet Seth was willing to offer an opinion based on your  
12 description that he seemed trustworthy, isn't that correct?

13 A. No.

14 Q. Now you testified about the fact that Seth was very jealous  
15 of keeping secret his proprietary blends, am I correct, his  
16 custom products, am I right?

17 A. I don't believe I used the word "jealous."

18 Q. My word. And what is the word you would use?

19 A. He kept all of his proprietary blends close.

20 Q. Among other things, he didn't want one customer to know  
21 what another customer was receiving in the way of a custom  
22 product, am I correct?

23 A. Correct.

24 Q. And he was afraid that product he sold to one customer  
25 might fall into the hands of another customer, correct?



M1LTFIS5

Adams - Cross

1 A. Not to my knowledge.

2 Q. Well, wasn't he concerned that somehow or another people  
3 could duplicate the custom products that he was making and he  
4 would lose his engine for profit?

5 MR. ADAMS: Objection.

6 THE COURT: Foundation?

7 MR. ADAMS: Speculation, your Honor.

8 THE COURT: Sustained.

9 Q. Do you know whether Seth was concerned about making money  
10 from his business of selling his custom products?

11 MR. ADAMS: Objection. Speculation, calls for  
12 hearsay.

13 THE COURT: Now it just asks whether she knows. Yes  
14 or no.

15 A. Can you repeat the question, please.

16 MR. SERCARZ: May I have it reread?

17 (Record read)

18 A. I'm not sure how to answer that question.

19 Q. Let me try and ask a different question. Didn't Seth seem  
20 obsessed to you with making money from the sale of his  
21 products?

22 A. No.

23 Q. Wasn't he concerned, almost to the exclusion of anything  
24 else, with making money from the sale of his custom products?

25 A. No.



M1LTFIS5

Adams - Cross

1 Q. That wasn't the biggest thing for him?

2 A. Are you referring to money? Sorry, I don't understand.

3 Q. Did money appear to you to be very important to Seth?

4 A. Yes, it was important.

5 Q. And was his vehicle for making money the sale of these  
6 custom products?

7 A. Yes.

8 Q. Did he let you know that it was important to him that when  
9 he customized a product, only the customer who was receiving it  
10 would find out what the ingredients were?

11 A. I'm not sure.

12 Q. Let me ask you this: The government ended its direct  
13 examination by playing you a portion of a conversation between  
14 Adel and Dr. Fishman. Do you recall that?

15 A. Yes. I could not hear all the details of it, but yes.

16 Q. Could you hear the portion that was played for you?

17 A. I could not hear all of the audio recording, no.

18 Q. Did you hear enough to know that it had to do with  
19 conversation concerning a non-disclosure agreement?

20 A. Yes.

21 Q. And that specifically the non-disclosure agreement is one  
22 that, according to Dr. Fishman, is one that he entered into  
23 with you, am I correct?

24 A. You're correct in assuming that, yes.

25 Q. All right. But in fact, you told the ladies and gentlemen



M1LTFIS5

1 of the jury during your direct examination that he never had a  
2 non-disclosure agreement with you, am I right?

3 A. Correct.

4 Q. In other words, whatever was on that conversation referred  
5 to a document that never existed, isn't that correct?

6 A. Yes.

7 MR. SERCARZ: I have no further questions, thank you.

8 THE COURT: All right. Thank you.

9 Why don't we take a break now, ladies and gentlemen.  
10 You can leave your notepads here and I would ask you to please  
11 be back and be ready to come back and finish up the day and the  
12 week when Ms. Dempsey lets you know we're ready.

13 Thank you very much.

14 (Continued on next page)



M1LTFIS5

(Jury not present)

THE COURT: Is there anything that we need to talk about?

MR. FASULO: Yes, your Honor.

THE COURT: All right.

MR. FASULO: The defense on behalf of Ms. Giannelli is very concerned about the witness's last statement being that she couldn't --

THE COURT: Do you want to -- Ms. Adams, do you want to log off and Mr. Adams will let you know when we're ready to have you log back on?

THE WITNESS: Okay.

THE COURT: Thank you.

(Pause)

THE COURT: Go ahead.

MR. FASULO: I'm sorry, the integrity of the process, meaning we have a remote witness, I think it's important that that portion of the tape that was played that the witness now says that she didn't hear, that the witness hears it. The idea here is that the witness would be in court and able to hear everything going on, and I believe that she, for the integrity of what we're doing and having the witness present, I think we need to make sure the witness hears what she has now indicated she couldn't hear.

THE COURT: Go ahead, Mr. Adams.



M1LTFIS5

1 MR. ADAMS: Your Honor, the list of exhibits --  
2 Ms. Adams wasn't asked any questions about that on direct.  
3 Mr. Sercarz has asked her questions about her understanding of  
4 its substance.

5 THE COURT: The topic.

6 MR. ADAMS: The topic, correct. And, of course, this  
7 witness was not a party to that conversation. It's not clear  
8 to me that Mr. Fasulo has specific questions about the content  
9 of the recording itself. If he did, that may be one thing.

10 THE COURT: Look, my recommendation is: Do you have  
11 any objection to us trying to -- are we going to be able to get  
12 to her a copy of the transcription?

13 MR. ADAMS: The transcription should be easy, the  
14 audio --

15 THE COURT: No, let's take the transcription. Can we  
16 get that to her?

17 MR. ADAMS: We can put it on the screen, too.

18 THE COURT: She can see it?

19 MR. ADAMS: Certainly.

20 THE COURT: It was on the screen?

21 MR. ADAMS: It was on the screen, she was on the  
22 screen, it was displayed to the jury and the witness.

23 THE COURT: But I didn't know if she could see  
24 documents when you're calling them up or she only sees the  
25 physical copies of what she has.



M1LTFIS5

1 MR. ADAMS: She should be able to see that document as  
2 well.

3 MR. FASULO: I don't remember her seeing --

4 THE COURT: I don't think she can either. Let them  
5 figure it out.

6 My suggestion was going to be, just so you know, since  
7 Mr. Fasulo has an objection, replay it with her having the  
8 transcription in front of her, if he wants her to have the  
9 substance of it.

10 MR. ADAMS: Certainly, your Honor.

11 THE COURT: Is that acceptable, Mr. Fasulo?

12 MR. FASULO: Judge, let me be clear, I don't plan on  
13 questioning the witness in this area. However, I think for the  
14 integrity of the process, we make sure the witness hears what  
15 was going in the courtroom while she was on the witness stand.

16 THE COURT: I agree. Let's replay, it Mr. Adams.

17 MR. ADAMS: Certainly, your Honor. Mr. Fasulo is not  
18 questioning about this and Mr. Sercarz rested his  
19 cross-examination.

20 THE COURT: It's repetitive.

21 MR. ADAMS: Unnecessary, yes. But I can replay it  
22 notwithstanding. It's not clear to me that the audio is going  
23 to flow through to her as opposed to me providing a copy of  
24 that exhibit.

25 THE COURT: I would like you to do both.



M1LTFIS5

1 MR. ADAMS: Certainly.

2 THE COURT: Turn up the volume and put a microphone  
3 next to the speaker so, just as she's hearing me speak or  
4 hearing anybody else in the courtroom speak, she would hear the  
5 recording. Right?

6 MR. SERCARZ: May I be heard?

7 THE COURT: Yeah.

8 MR. SERCARZ: It's not lost on the Court that this is  
9 a very delicate area, sensitive issue of examination. If  
10 Mr. Fasulo is not going to question on this subject, then  
11 there's no reason to assume that the integrity of the process  
12 was jeopardized in any way, number one.

13 Number two, if any party needs to question the witness  
14 regarding this document, is there any reason why it can't be  
15 played for her outside the hearing of the jury so that she can  
16 be asked whatever questions without the need to expose the jury  
17 yet again to the content of this tape?

18 THE COURT: Do you want to talk to Mr. Fasulo?

19 MR. SERCARZ: Yes.

20 THE COURT: Why don't you do that and we'll all go  
21 back on the record before the jury returns.

22 MR. SERCARZ: May I use the restroom? Perhaps he can  
23 meet me out in the hallway.

24 THE COURT: You can meet wherever you want. We'll  
25 take a short break.



M1LTFIS5

1 MR. SERCARZ: Thank you, your Honor.

2 (Recess taken)

3 THE COURT: All right. Have we worked out a game  
4 plan?

5 MR. FASULO: Yes, Judge. I will move ahead with my  
6 examination at this time. I withdraw my application.

7 THE COURT: You withdraw that objection?

8 MR. FASULO: I have no questions in that area.

9 THE COURT: You are withdrawing your objection?

10 MR. FASULO: I am, your Honor.

11 THE COURT: Go ahead.

12 MR. ADAMS: Your Honor, I put on the record, in light  
13 of the prior conversation, that Ms. Adams plainly heard and  
14 responded to every question that has been put to her throughout  
15 the proceeding.

16 THE COURT: I think that's accurate. She never  
17 expressed that she couldn't hear, she simply is said, in  
18 response to Mr. Sercarz directing her to recall the recording  
19 earlier, she made some comment that she couldn't understand  
20 every bit of it. But the substance of Mr. Sercarz's questions  
21 were asking her about whether it was about an ND agreement, and  
22 she clearly was able to answer that question.

23 MR. FASULO: Judge, just for the record, I agree. I  
24 have been in the courtroom the whole time. Everything  
25 indicates to me she heard the questions and she was giving



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1 appropriate responses to the questions. So I don't want the  
2 record to be clouded on that issue about that. I was a little  
3 concerned about this, but it was not part of any question she  
4 was asked and I'm willing to move ahead.

5 THE COURT: So when the jury comes back, Mr. Fasulo,  
6 you are ready for your cross, or your colleague?

7 MR. FASULO: I'm pointing to the witness stand.

8 THE COURT: I thought you were pointing to your  
9 colleague.

10 MR. FASULO: I wish he could.

11 THE COURT: He's not an attorney?

12 MR. FASULO: He's almost an attorney.

13 THE COURT: Okay, I'm sorry. In any event, do you  
14 have any estimate of how long you will be?

15 MR. FASULO: I hopeful less than a half hour, Judge.

16 THE COURT: So my hope is that we'll finish up with  
17 Ms. Adams today.

18 MR. FASULO: For sure, depending on the government.

19 MR. ADAMS: Absolutely, your Honor.

20 THE COURT: Thank you. So as soon as the jury is  
21 back, we'll be ready to go.

22 Did you have something else?

23 MR. ADAMS: Not only do we hope to finish up with  
24 Ms. Adams today, we hope we can call Angela Jett, who is the  
25 next witness. And if the Court is amenable to going to 5:00



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1 today, I think we would probably finish Ms. Jett as well.

2 THE COURT: I have to gauge the jurors, though,  
3 because it is a Friday afternoon and I promised them we would  
4 aim for around 4:30. If I tell them --

5 You might be able to finish the witness, will everyone  
6 else?

7 MR. ADAMS: I can't speak to that.

8 THE COURT: Right.

9 MR. ADAMS: I can say -- I'm sorry to interrupt, your  
10 Honor.

11 THE COURT: No, go ahead.

12 MR. ADAMS: I was going to say Ms. Jett's testimony is  
13 relatively limited. Essentially what I intend to do is elicit  
14 a past recollection recorded, have her read a portion of the  
15 prior notes, and that's it.

16 THE COURT: And you disclosed to the defendants that  
17 that's the next witness?

18 MR. ADAMS: Yes.

19 THE COURT: Okay. I thought we were going to some  
20 issue about displaying physical evidence.

21 MR. ADAMS: If we had two more hours I would do that.

22 THE COURT: But that's for next week.

23 MR. ADAMS: That's for next week.

24 THE COURT: Thank you. As soon as the jury is ready,  
25 we'll resume then, and if we can press ahead, we will, but



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Adams - Cross

1 we'll see where we're at.

2 MR. ADAMS: Thank you.

3 (Jury present)

4 THE COURT: Thank you all very much.

5 We're ready for cross-examination by Ms. Giannelli's  
6 lawyer, Mr. Fasulo.

7 MR. ADAMS: Your Honor, I think I need to actually  
8 call Ms. Adams, if I could take one moment.

9 THE COURT: Yes, sure.

10 (Pause)

11 THE COURT: Thank you, Mr. Adams.

12 Good afternoon, Ms. Adams. Can you hear us clearly?

13 THE WITNESS: Yes, I can, your Honor.

14 THE COURT: Thank you.

15 Mr. Fasulo.

16 MR. FASULO: Your Honor, if I may.

17 THE COURT: Sure.

18 CROSS-EXAMINATION

19 BY MR. FASULO:

20 Q. Good afternoon, Ms. Adams.

21 A. Hello.

22 Q. I have a few questions for you. I represent Ms. Giannelli,  
23 Lisa Ranger, and I have a few questions for you.

24 A. Okay.

25 Q. First of all, you worked for Equestology for approximately



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Adams - Cross

1 five years, is that fair to say?

2 A. Yes.

3 Q. And you talked about, during both your examination up to  
4 this point, that you were started in a more administrative role  
5 and went into sales a little bit, then you left the company,  
6 correct?

7 A. Correct.

8 Q. And when you went into your sales role, and you said that  
9 you had a gentleman, John -- I think P-U-R-D-Y-K work under  
10 you, is that correct?

11 A. His name is John Pundyk, yes.

12 Q. And he was working with you, correct?

13 A. You could say that, yes.

14 Q. And he would go out to the barns or to the trainers, et  
15 cetera, and work the field, and you didn't like that part of  
16 the job, is that what you're saying?

17 A. Yes.

18 Q. And when he went out to the field, he would have a list of  
19 products that were products of Equestology, correct?

20 A. No, I didn't provide him with a list.

21 Q. Did you have a list of the products that Equestology had in  
22 stock at the time that you were in the sales end of the  
23 business?

24 A. No, I did not have the list.

25 Q. But you did keep inventory of all the products that existed



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Adams - Cross

1 in Equestology at that time, correct?

2 A. Yes.

3 Q. So you were aware of what the inventory was and what the  
4 products were, is that fair to say?

5 A. Yes.

6 Q. And I would like to ask you that --

7 MR. FASULO: I ask the government if we can have  
8 Government Exhibit --

9 Q. I want to go through some of the government exhibits with  
10 you. Government Exhibit 401T in your file, please.

11 If you could let me know when you have that exhibit.

12 A. Okay.

13 Q. On direct examination you had a chance to talk about this  
14 exhibit. Do you remember that?

15 A. Yes.

16 Q. And in this exhibit it indicates that Lisa, which you  
17 identified as Lisa Ranger, had said that she does not have the  
18 vet's license, correct?

19 A. Correct.

20 Q. And by that, you meant that she didn't have a copy of  
21 Dr. Fishman's license, correct?

22 A. Yes.

23 Q. And she was asking for a copy of that license, correct?

24 A. I don't believe that's what she was asking.

25 Q. So she wasn't asking for a copy of the license?



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Adams - Cross

1 A. No, this was me writing this message.

2 Q. Okay. So she was just indicating to you that she did not  
3 have a copy on file in her place in Delaware, correct?

4 A. Yes.

5 Q. Now you ordered many products from different vendors, is  
6 that fair to say?

7 A. Yes.

8 Q. And those vendors included vendors for raw materials as  
9 well as vendors with materials that have already been composed,  
10 correct?

11 A. Correct.

12 Q. And you did that only because you had the authority of  
13 Dr. Fishman to do such orders, isn't that correct?

14 A. Yes.

15 Q. And it was under his license that allowed you as an  
16 administrator to make those orders, is that fair to say?

17 A. Yes.

18 Q. And had you not been working for Dr. Fishman, these vendors  
19 would not have just sold you these products that were  
20 drug-related products that needed a veterinarian, correct?

21 A. Correct.

22 Q. And as far as you knew, that's how Lisa would get her  
23 products as well, if you know?

24 A. Some of them, yes.

25 Q. Some of them would be sent from you in Florida up to



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Adams - Cross

1 Delaware and other products would be sent directly from vendors  
2 to Delaware, is that fair to say?

3 A. Yes.

4 Q. Additionally, some product would go directly to an  
5 individual client or customer, is that fair to say?

6 A. Yes.

7 Q. Now during the time that you worked for the doctor both in  
8 an administrative capacity and in your sales role, you had a  
9 number of interactions with the doctor in terms of text  
10 messages and emails on a daily basis, is that fair to say?

11 A. Yes.

12 Q. Would it be fair to say that Dr. Fishman was very much  
13 involved in the running of his practice?

14 A. Yes.

15 Q. He was involved in the time that you got to work, he was  
16 involved in when you left, he was involved in whether you  
17 should take a vacation day, he was involved in the daily  
18 responsibilities that he expected you to do, correct?

19 A. Yes, outside of maybe the vacation day part.

20 Q. Well, you did text him about taking a day off and him  
21 arguing with you about not taking a day off and that you had  
22 just been off for a couple of weeks, and you explained to him  
23 that you needed the time off for whatever reason, right? You  
24 had those kinds of text messages back and forth, do you  
25 remember that?



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Adams - Cross

1 A. I don't remember that.

2 Q. In any event, he was very involved and he was involved in  
3 all the parts of the practice, is that fair to say?

4 A. Yes.

5 Q. And before you sent anything to Ms. Ranger in Delaware,  
6 before you sent anything out, you would check with the doctor,  
7 especially on the products that he made himself in Florida, is  
8 that fair to say?

9 A. Yes.

10 Q. And in Florida, that was the location that not only the  
11 products were sent from, that's where the pastes or the  
12 products or the compounds were actually manufactured, is that  
13 fair to say?

14 A. The pastes were made there, yes.

15 Q. And you actually participated in helping to put together  
16 the paste, is that fair to say?

17 A. Yes.

18 Q. And that happened in Florida and that did not happen in  
19 Delaware, is that correct, to your knowledge, during the time  
20 that you worked there?

21 A. Correct.

22 Q. And in fact, when you talked about labels, it was also that  
23 you, under the direction of Dr. Fishman, started to design  
24 labels for his products, is that fair to say?

25 A. Yes.



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Adams - Cross

1 Q. And it was with the direction of Dr. Fishman that you were  
2 able to figure out what had to go on these labels, right?

3 A. Yes.

4 Q. You didn't all the sudden decide this should be a label  
5 that says X if Dr. Fishman didn't agree with that, correct?

6 A. Could you rephrase that?

7 Q. You didn't decide what the ingredients were on an  
8 individual product and decide to put those on the labels  
9 without talking to Dr. Fishman and ascertaining those were the  
10 ingredients in the products, correct?

11 A. Correct.

12 Q. That was him, that was not you who made those decisions,  
13 correct?

14 A. Yes.

15 Q. And you were involved in the artistic and the creative  
16 presentation of those products, would that be fair to say?

17 A. Yes.

18 Q. And the ultimate person who was involved in labeling the  
19 products, putting the ingredients on the labels of those  
20 products, was Dr. Fishman?

21 A. Maybe rephrase that.

22 Q. Sure. Let me ask you, who had input into putting the  
23 ingredient list on the product?

24 A. Dr. Fishman.

25 Q. And other than Dr. Fishman, you did not have input on that,



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Adams - Cross

1 correct?

2 A. Correct.

3 Q. Nor did anyone else, to your knowledge?

4 A. To my knowledge, no.

5 Q. And in terms of the names of the product, although  
6 Dr. Fishman may ask you about those names -- which he did,  
7 correct?

8 A. Yes.

9 Q. It was up to him to decide how to name those products, not  
10 you nor anyone else at Equestology, is that correct?

11 A. Yes.

12 Q. And that was your experience in working with Dr. Fishman  
13 during your five years, correct?

14 A. With regards to labeling, yes.

15 Q. With regard to labeling and with regards to actually making  
16 the pastes, correct?

17 A. Can you rephrase that?

18 Q. You were directed what to do, what ingredients went into  
19 what paste, correct?

20 A. Correct.

21 Q. In fact, as was stated earlier, you don't have any advanced  
22 degrees in pharmacology or in biology that would have given you  
23 an understanding of what those ingredients were, correct?

24 A. Correct.

25 Q. And you took the ingredients that Dr. Fishman told you to



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Adams - Cross

1 take and you mixed them in the way that he told you to mix them  
2 and you made the compounds, correct?

3 A. Yes.

4 Q. And then you put them into jars and you would either label  
5 them or not label them, correct, depending on what the product  
6 was?

7 A. They were put into tubes, not jars, but, yeah.

8 Q. And these were glass tubes?

9 A. No.

10 Q. What kind of tubes were they?

11 A. Plastic -- purchases --

12 Q. Could repeat that again? I lost a little bit of that.

13 THE COURT: Ms. Adams, I think you froze. Could we  
14 ask the court reporter to read back the question?

15 (Record read)

16 A. The tubes were plastic tubes that were specifically made  
17 for paste.

18 Q. And each tube had a different color cap you were talking  
19 about before, is that right?

20 A. No.

21 Q. How would that work? How would they be capped and how  
22 would they be identified before they would be stored?

23 A. In reference to the paste that was made in Florida, those  
24 were all put into a certain sized tube that was white with a  
25 white cap and then it was labeled as soon as they were all



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Adams - Cross

1 filled and packaged and then they would be stored.

2 Q. Now after they were labeled, some of them required storage  
3 in refrigeration and some didn't require refrigeration, is that  
4 fair to say?

5 A. Yes.

6 Q. And you were made aware of which ones had to go where by  
7 Dr. Fishman?

8 A. Yes.

9 Q. Now let me bring your attention to the next exhibit I would  
10 like to talk about, which is 401W. If you could get into your  
11 book and open that up and we can show that on the screen.

12 A. Okay.

13 Q. This was a text message or an email?

14 A. A text.

15 Q. And it was a text message from you to Dr. Fishman or from  
16 Dr. Fishman to you?

17 A. From me to Dr. Fishman.

18 Q. And in this text message, it does say that the Doc needs to  
19 send one of his blood builders to Paul Minastrelli. Please  
20 remind him.

21 And you said you cut and pasted that message, is that  
22 correct?

23 A. Yes. The "from Lisa" part I wrote and the rest is copy and  
24 paste.

25 Q. And so from this message, was it your understanding that



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Adams - Cross

1 the doctor already knew that Lisa needed these blood builders?

2 A. Yes.

3 Q. And was it your understanding that the doctor already knew  
4 that Lisa was going to distribute these blood builders to a  
5 Paul Minastrelli?

6 A. Yes.

7 Q. I would like to move you now to Government Exhibit  
8 Number 401FF.

9 Now you worked at Equestology five years, right?

10 A. A little bit more than that, yes.

11 Q. And as you worked there, you were comfortable with your job  
12 in terms of understanding what you were to do and you felt like  
13 what you were doing was right, is that fair to say?

14 A. Yes.

15 Q. Did you ever believe you were breaking the law in the  
16 things you were doing in labeling products or selling Fishman  
17 products?

18 A. I did not believe that I was breaking the law.

19 Q. Did you understand that Dr. -- did you know that  
20 Dr. Fishman has a veterinarian's license in more than one  
21 state?

22 A. Yes.

23 Q. And were you aware what states he actually had his license  
24 in?

25 A. At the time, yes.



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Adams - Cross

1 Q. And at this time you don't remember?

2 A. Not all of them, no.

3 Q. But you were aware that he was licensed in multiple states,  
4 is that fair to say?

5 A. Yes, it is.

6 Q. Did it also seem to you -- was it your understanding that  
7 he had a working knowledge of the products that he was  
8 producing?

9 A. Yes.

10 Q. And a working knowledge of the goals and the gains of those  
11 products?

12 A. Yes.

13 Q. And would it be your understanding that he was pretty  
14 confident in the products he was developing and their  
15 likelihood of success? Was that your understanding?

16 A. Yes.

17 Q. And that was one of the reasons why you remained and worked  
18 with him for five years, right?

19 A. I'm not sure how to answer that.

20 Q. Well, you were around horses during this time not only with  
21 Dr. Fishman and the practice, but you had friends that played  
22 polo and you were a pretty much a horse lover, right, you liked  
23 horses?

24 A. Yes.

25 Q. And you wouldn't be working someplace where you thought



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Adams - Cross

1 there was danger presented to the well-being of horses, were  
2 you?

3 A. Correct.

4 Q. So you never believed it was -- in your understanding, that  
5 anything that you were doing or that Equestology was doing was  
6 to the detriment of any horses?

7 MR. ADAMS: Objection, relevance.

8 THE COURT: Mr. Fasulo?

9 MR. FASULO: Judge, it goes to her understanding of  
10 what she was doing and what was happening within the practice  
11 itself.

12 THE COURT: She's not a defendant here.

13 MR. FASULO: No, but I think it's important because  
14 the government proffered through her testimony there were other  
15 words or other activities in Equestology that would give her a  
16 different impression, and I think it's relevant for me to  
17 inquire about what her impression of the work that she was  
18 doing was.

19 THE COURT: The objection is sustained.

20 MR. FASULO: Very well.

21 BY MR. FASULO:

22 Q. So during the time that you worked with Dr. Fishman, if you  
23 could look at this exhibit, did you -- do you remember reading  
24 this exhibit earlier? Could you quickly glance over it?

25 In the first line it says John is with Geoff in



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Adams - Cross

1 Canada. Was that the John that was working with you?

2 A. Yes.

3 Q. And this happened in 2016, correct?

4 A. Correct.

5 Q. And it was your understanding that John indicated that  
6 there was an order but the order was too big to cross the  
7 border. Is that what your understanding here was?

8 A. I'm not sure.

9 Q. What was your understanding of this email?

10 A. That it was -- well, this text, that it was either too big  
11 or it didn't get there in time, I'm not -- besides that, it's a  
12 guess.

13 Q. So it wasn't your understanding that anything was wrong  
14 that was happening in terms of the transferring of this item  
15 into Canada, is that your understanding?

16 A. Can you repeat that? Sorry.

17 Q. Did you believe there was anything illegal or anything  
18 wrong with the way that the shipment was being transferred into  
19 Canada based on this email?

20 A. According to this text, no.

21 Q. Okay. I would like to go to Exhibit Number 402H.

22 MR. FASULO: If we could have that exhibit up and  
23 bring us to the green section of that exhibit, I think it is.

24 A. What was the exhibit number?

25 Q. 402H.



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Adams - Cross

1 A. Okay.

2 Q. You see in the number 334 on the left, if you look all the  
3 way over you will see the text of that message.

4 A. Yes.

5 Q. Now this was a message from Dr. Fishman to you, correct?

6 A. Yes.

7 Q. And Lisa Ranger, Lisa Giannelli, was not on this message,  
8 correct?

9 A. No.

10 Q. And this is where Dr. Fishman says to you that Lisa made  
11 over \$250,000 last year, correct?

12 A. Correct.

13 Q. Now you don't know if that was true or not true, correct?

14 A. Correct.

15 Q. Because you didn't have any idea of what Lisa was making or  
16 not making, isn't that fair to say?

17 A. Yes.

18 Q. And in fact, the Delaware books were kept separate from the  
19 Florida books, would that be fair to say?

20 A. I don't know.

21 Q. You weren't keeping track of the Delaware income or the  
22 Delaware expenses, correct?

23 A. No. Sorry, correct, no, I don't know.

24 Q. During the time you were working, were you keeping track of  
25 any of the income or expenses on the Delaware sales from Lisa



M1LTFIS5

Adams - Cross

1 Ranger?

2 A. No.

3 Q. And you were talking about systems that you used. You did  
4 not use the Avimark system, is that correct?

5 A. I don't believe so, no.

6 Q. So you weren't familiar with that system, correct?

7 A. No.

8 Q. I now move to Government Exhibit 1900, GX1900, and I would  
9 like to draw are your attention to the photographs that are  
10 listed as attachments on the first page and on the second page.

11 I don't know if we could get those a little bigger.

12 A. Okay.

13 Q. The labels put on these products in Government  
14 Exhibit 1900, were these labels that you designed for the  
15 doctor?

16 A. Yes, they are.

17 Q. And when you say you designed them, you put on the product  
18 name, correct?

19 A. Yes.

20 Q. And in these, do you know if these labels had the  
21 ingredients on them?

22 A. I don't recall.

23 Q. And when you were -- when it was decided to put the  
24 ingredients on, were there any conversations that took place  
25 between you and Dr. Fishman regarding putting on the



M1LTFIS5

Adams - Cross

1 ingredients or not putting on the ingredients on these  
2 products?

3 A. Yes, certain products, yes, you talk about.

4 Q. And was it your understanding that some products he wanted  
5 the ingredients on and some he didn't want the ingredients on?

6 A. Yes.

7 Q. And sometimes that would be based on his own -- solely on  
8 his own opinion and sometimes it was based on what the  
9 customers requested, correct?

10 A. I'm not sure.

11 Q. Okay. And in fact, you had no training in whether or not  
12 these products needed to have ingredients on them or not on  
13 them, correct?

14 A. Correct.

15 Q. And you didn't even know whether or not there was a  
16 requirement to put the ingredients on these products, correct?

17 A. Correct.

18 Q. Now go to Government Exhibit 1901. If you look at the  
19 beginning of this exhibit, it says Wednesday, September 21,  
20 2016 at about 1:56 you sent a message to Mary Fox, is that  
21 right?

22 A. Yes.

23 Q. And you said you needed an order to go out, correct?

24 A. Yes.

25 Q. In 2016, you were a part of the sales -- sales helper or



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Adams - Cross

1 sales administrator for Dr. Fishman, correct?

2 A. Yes.

3 Q. And you were selling these products in this email, correct?

4 A. Can you rephrase that?

5 Q. You said: Mary, I have an order that needs to go out.

6 When you say you have an order, what did you  
7 understand that to be?

8 A. That I received an order from John to send out.

9 Q. And when you say John, who was John?

10 A. John Pundyk. He was the person on the ground, the actual  
11 salesperson in front of the customers.

12 Q. Working with you, correct?

13 A. Correct.

14 Q. And your customers, correct?

15 A. Technically, yes.

16 Q. And there's a list of products here, 10XTB7, correct?

17 A. Yes.

18 Q. What was that?

19 A. I'm not sure exactly what it does, Dynacin something. I  
20 can't remember the full name.

21 Q. And the second one is 3X Zoloquine, 10 packs. Were you  
22 aware of what was in that product or what it was?

23 A. At the time, yes, now I don't remember.

24 (Continued on next page)

25



M1LPFIS6

Adams - Cross

1 Q. Okay. 42 waters, is that water?

2 A. Yes.

3 Q. Okay. And these are products that the customer wanted, put  
4 the order in, and you processed that order, correct?

5 A. Yes.

6 Q. And it went to Brandie Holloway, correct?

7 A. Correct.

8 Q. And that was in Kansas?

9 A. Yup.

10 Q. Is that somebody that you knew?

11 A. No.

12 Q. Is it somebody who just decided to order through your  
13 company and put these -- and wanted these items, correct?

14 A. Yes.

15 Q. And you fulfilled the order?

16 A. Yes.

17 Q. Okay. Let me move on to Government Exhibit No. GX-1908,  
18 if I may. I'm trying to go through in order. This is the  
19 easiest way.

20 A. Okay.

21 Q. I just want to be clear. This was an e-mail that you  
22 received from Lisa Ranger to you, correct, on Saturday,  
23 December 21st, 2013?

24 A. Yes.

25 Q. And this was early on in your work experience with



M1LPFIS6

Adams - Cross

1 Dr. Fishman, correct?

2 A. Yeah, I'd been working for him for a little bit.

3 Q. How long were you working for him when you received this  
4 e-mail?

5 A. About a little bit over a year.

6 Q. And --

7 A. And --

8 Q. All right. And when you got this e-mail, Ms. Ranger said  
9 to you that the doctor said -- "the doctor said to send you an  
10 e-mail, stuff for Richard Banca, you can send to me or them  
11 directly."

12 When she said the doctor said to send you an e-mail,  
13 in your understanding, was that a common practice that you  
14 worked with Lisa Ranger and with Dr. Fishman; that she would  
15 indicate that the doctor has already told -- had a discussion  
16 with her and told her to e-mail you?

17 A. Yes.

18 Q. Okay. And then you sent it out, correct?

19 A. Correct.

20 Q. And when it says "stuff for Richard Banca," how were you  
21 able to identify what the stuff for Richard Banca was?

22 A. So I answered a little too fast in the first one. It was  
23 sent out eventually, after she described or informed me what  
24 was needed to be sent.

25 Q. Okay. So that was another conversation somewhere, where



M1LPFIS6

Adams - Cross

1 she described to you what it was that she needed?

2 A. Yes.

3 Q. And that was following up on this e-mail, correct?

4 A. Possibly. It could have been a text message as well.

5 Q. Okay. I want to go to Government Exhibit 1909.

6 Now, you had a chance on direct examination to look at  
7 some of the names of the products listed on this page called  
8 Inventory Travel Sheet; is that correct?

9 A. Yes.

10 Q. And these were products that Dr. Fishman had available  
11 through Equestology; is that fair to say?

12 A. I'm not sure.

13 Q. Okay. Do you know when this list was made up?

14 A. No.

15 Q. I'm sorry, let me withdraw that question. Do you know when  
16 this list was comprised and composed?

17 A. No.

18 Q. Okay. Was it composed during the time that you worked with  
19 the doctor?

20 A. I'm not sure -- I'm not sure. I saw it during that time.  
21 I can't say to when it was originally created.

22 Q. And can you say that these are all products that existed at  
23 the time that you worked during Equestology, during that  
24 five-year period, or not?

25 MR. FASULO: I think the witness is frozen, Judge.



M1LPFIS6

Adams - Cross

1 THE COURT: I thought she was just reading it.

2 Ms. Adams, are you able to hear us?

3 THE WITNESS: I can hear you now.

4 THE COURT: Were you reading the document? Did you  
5 answer the question?

6 THE WITNESS: I believe -- what was the last question?

7 THE COURT: Can we have it read back?

8 MR. FASULO: Yes, if you wouldn't mind. Judge, I'll  
9 withdraw the question and ask another question just to move  
10 along.

11 THE COURT: Thank you. I appreciate it.

12 BY MR. FASULO:

13 Q. On the list labeled Government Exhibit 1909, the one you're  
14 looking at, are you aware whether or not all of these products  
15 were products that Dr. Fishman had at the time that you were  
16 working at Equestology?

17 A. They were -- we did not have all those products.

18 Q. And were you -- and, therefore, you were not involved in  
19 the organization of this list, the composing of this list or  
20 the setting of the prices of this list?

21 A. I was not involved in any of that.

22 Q. And you don't know, actually, where this Inventory Travel  
23 Sheet came from, then?

24 A. Correct.

25 Q. And you don't know who composed it?



M1LPFIS6

Adams - Cross

1 A. Correct.

2 Q. Okay. Just a few more questions, Ms. Adams. A couple more  
3 questions and we'll be through.

4 Now, when you met Dr. Fishman and you began your work,  
5 you understood that you were working for a veterinarian, a  
6 Doctor, correct?

7 A. Yes.

8 Q. And the idea of confidentiality between doctors and  
9 patients, and doctors and clients, is important and that was  
10 explained to you when you went to work with Dr. Fishman; is  
11 that fair to say?

12 A. Yes.

13 Q. So you understood the importance of that confidentiality,  
14 correct?

15 A. Yes.

16 Q. Now, you also said that at some point, you were questioned  
17 by the FDA; is that correct?

18 A. Yes.

19 Q. And do you remember what year that was that you were  
20 questioned by the FDA originally?

21 A. I believe -- I believe it was 2020.

22 Q. Okay. And you also stated, I think, that you didn't speak  
23 with them at that time, correct?

24 A. Correct. I met with them, but did not have a conversation  
25 with them about anything.



M1LPFIS6

Adams - Cross

1 Q. And after you met with them and didn't have a conversation  
2 about anything, did they just tell you, we're part of the FDA,  
3 or what was your understanding of the reason why they appeared  
4 in front of you at that time?

5 A. They approached me at work. They identified themselves,  
6 told me what they wanted to ask me about, and I said that I was  
7 not comfortable answering their questions without a subpoena or  
8 my attorney present, and that was the end of it.

9 Q. And what was the subject matter that you were advised or  
10 that you understood at the time that they wanted to talk to you  
11 about?

12 A. About Seth.

13 Q. About Dr. Fishman?

14 A. Yes.

15 Q. Prior to that time, had you had any question in your mind  
16 about talking to the FDA or any government official about any  
17 of the activities or actions that you had taken during your  
18 time at Equestology?

19 A. No.

20 Q. And it's only once you get this newspaper or this news  
21 flash about the case, this horse doping case, that that got  
22 your interest in speaking with the government; is that right?

23 A. Correct.

24 Q. And that was the first time that you believed that it was  
25 important for you to speak to the government about activities



M1LPFIS6

Adams - Cross

1 that you had conducted while you were at Equestology?

2 A. Correct.

3 Q. And prior to that, you had never believed that you needed  
4 to speak to the government about any of your activities; is  
5 that fair to say?

6 A. Yes.

7 Q. Because you didn't believe you were doing anything wrong?

8 A. Correct.

9 Q. Finally, you said that you -- there came a time that you  
10 ordered some raw products; is that right, from API?

11 A. I frequently ordered API for Seth, yes.

12 Q. Yes. And prior to ordering the products, or simultaneously  
13 with ordering the products, would you advise Dr. Fishman that  
14 you made such orders?

15 A. Yes.

16 Q. Would he know the volume of the orders that you were  
17 making, the quantity?

18 A. Yes.

19 Q. Would he know the costs associated with those orders?

20 A. I'm not sure.

21 Q. Well, was it your decision to make the purchases at any  
22 price, or were there prices that you had to work within, based  
23 on the fact that you were working for Dr. Fishman?

24 A. It depends on the circumstance of the purchase.

25 Q. Okay. Did you have parameters to work within as you made



M1LPFIS6

Adams - Cross

1 these orders?

2 A. I'm not sure how to answer the question. Can you be more  
3 direct?

4 Q. Well, would you just pick up -- what would you base -- let  
5 me ask this. During the time that you worked with Dr. Fishman,  
6 what would you base the necessity to place these orders on?  
7 How would you make those orders?

8 A. For most of the raw API, I was instructed by Seth to order  
9 that specifically for orders that needed to be made, and then  
10 from other companies, if I was ordering, say, for John Pundyk  
11 or one of the other customers, some companies sold raw API and  
12 pre-composed product. Those products that were already made  
13 and ready to be used, as long as we didn't mark them up, Seth  
14 did not know or care what the price was because they were just  
15 being resold.

16 Q. But as to the API and raw products, you made sure that Seth  
17 knew what products were being ordered from --

18 A. Absolutely.

19 Q. And as to the other products, there came a time where Seth  
20 had to pay the bills for the purchase of those products,  
21 correct?

22 A. Yes.

23 Q. And Dr. Fishman would know what products were purchased or  
24 not purchased, correct?

25 A. Correct.



M1LPFIS6

Adams - Redirect

1 Q. And, in fact, you actually -- well, let me withdraw that.

2 And finally, you traveled to Dubai with Dr. Fishman;  
3 is that correct?

4 A. Yes.

5 Q. And you traveled to Dubai, and how many nights were you in  
6 Dubai with Dr. Fishman?

7 A. Repeat that?

8 Q. How many -- how long was that trip?

9 A. A week or two.

10 Q. Okay. And Lisa Ranger wasn't a member of the team that  
11 went to Dubai; is that correct?

12 A. Correct.

13 Q. And, in fact, Lisa Ranger had nothing to do with any of the  
14 international sales of Dr. Fishman during the time you worked  
15 for Dr. Fishman; isn't that correct?

16 A. To my knowledge, correct.

17 MR. FASULO: Okay. And that's it. Thank you very  
18 much.

19 THE COURT: All right. Thank you, Mr. Fasulo.

20 Is there any redirect?

21 MR. ADAMS: Briefly, your Honor.

22 REDIRECT EXAMINATION

23 BY MR. ADAMS:

24 Q. Good afternoon, Ms. Adams. Have you ever worked with a  
25 horse trainer?



M1LPFIS6

Adams - Redirect

1 A. Have I ever -- sorry, have I ever worked?

2 Q. Have you ever worked as a racehorse trainer?

3 A. No.

4 Q. Did you visit racing stables to sell drugs for Dr. Fishman?

5 A. No.

6 Q. You were asked questions about Brandie Holloway a moment  
7 ago in connection with an order that you fulfilled. What was  
8 the relationship between Brandie Holloway and John Pundyk?

9 A. They were a client of his.

10 Q. What was the relationship between John Pundyk and Geoff  
11 Vernon?

12 A. That John was selling under Geoff.

13 Q. And what was Geoff Vernon's profession?

14 A. He was a vet.

15 Q. Were you ever asked to explain the effect or purpose of a  
16 particular drug to Geoff Vernon?

17 A. Me? No.

18 Q. Was it necessary for you to explain to Geoff Vernon or John  
19 Pundyk what Thymosin Beta 7 does?

20 MR. FASULO: Objection.

21 MR. SERCARZ: I couldn't hear.

22 THE COURT: You couldn't hear, that's your objection?

23 MR. SERCARZ: I said I couldn't hear. Mr. Fasulo  
24 objected.

25 THE COURT: Sustained. Could you rephrase it.



M1LPFIS6

Adams - Redirect

1 BY MR. ADAMS:

2 Q. Did you ever explain to Geoff Vernon or John Pundyk what  
3 Thymosin Beta 7 was?

4 A. Not to my recollection.

5 Q. Did either of them ever ask you to do that?

6 A. I'm not sure.

7 Q. Ms. Jung, if you could pull up, please, Government  
8 Exhibit 910 in evidence, and can we go to the last page,  
9 please. I'm sorry, 1910, and if we could go to the last page.

10 Do you recall Mr. Sercarz asking you questions about  
11 this document, Ms. Adams?

12 A. Yes.

13 Q. At any point did Seth Fishman discuss with you the risk of  
14 laypeople injecting drugs into animal's veins?

15 A. Can you repeat that?

16 Q. At any point did Seth Fishman discuss with you the risk of  
17 laypeople injecting drugs into animal's veins?

18 A. I am not familiar with the term "laypeople."

19 Q. Non-veterinarian's.

20 A. Yes.

21 Q. And what did he say the risk of non-veterinarians injecting  
22 drugs into animals' veins would be?

23 A. There's risk of severe side effects, such -- you know,  
24 ranging from very mild to death.

25 Q. We discussed earlier, and Mr. Fasulo a moment ago put up an



M1LPFIS6

Adams - Redirect

1 e-mail referring to an individual named Richard Banca. Do you  
2 know Richard Banca?

3 A. No.

4 Q. Do you know whether Richard Banca is a horse trainer?

5 A. I do not.

6 Q. Do you know if Richard Banca is a veterinarian?

7 A. I do not.

8 Q. Do you know if Josh Marks is a veterinarian?

9 A. No.

10 Q. Do you know if an individual named Ross Cohen is a  
11 veterinarian?

12 A. No.

13 Q. Do you know if an individual named Jamen Davidovich is a  
14 veterinarian?

15 MR. FASULO: Objection, beyond the scope.

16 THE COURT: Seems to be.

17 Q. Ms. Adams, are you aware if Fishman and Giannelli, or  
18 Ms. Ranger, had clients who are not veterinarians?

19 A. Can you repeat that? Sorry.

20 Q. Yes. Do you know one way or the other whether Seth Fishman  
21 and Lisa Ranger had clients who were not veterinarians?

22 A. I can't say for sure, no.

23 Q. Okay. If we could go to Government Exhibit 1904, please.  
24 If you can go to page 2 of 4.

25 A. Okay.



M1LPFIS6

Adams - Redirect

1 Q. Mr. Sercarz asked you some questions here reading, "Please  
2 let me know the exact tendon;" do you see that one?

3 A. Yes.

4 Q. Okay. And the phrase "or looking to block the pain for a  
5 more chronic injury;" do you see that phrase?

6 A. Yes.

7 Q. To your knowledge, is masking pain from a chronic injury in  
8 the best interest of an animal's safety and health?

9 MR. SERCARZ: Objection.

10 THE COURT: Sustained. You need to lay a foundation.

11 Q. Ms. Adams, you were asked your understanding as to whether  
12 this e-mail reflected Dr. Fishman's care and interest in animal  
13 safety and health. Do you recall those questions?

14 A. Yes.

15 Q. Do you have any understanding as to whether masking pain  
16 for an animal and its chronic injury is in the best interests  
17 of an animal's safety and health?

18 A. I can't say.

19 Q. Is there a difference that you're aware of between masking  
20 pain for an injury and treating an injury?

21 MR. SERCARZ: Objection, foundation.

22 THE COURT: Sustained. Sustained.

23 Q. Ms. Adams, at a horserace, can a trainer make money from a  
24 horse that doesn't run?

25 MR. FASULO: Objection.



M1LPFIS6

Adams - Recross

1 THE COURT: Sustained.

2 MR. ADAMS: No further questions, your Honor.

3 THE COURT: Anything on recross?

4 MR. SERCARZ: Very briefly.

5 RECROSS EXAMINATION

6 BY MR. SERCARZ:

7 Q. In your -- Ms. Adams, in your experience and to your  
8 knowledge do veterinary technicians give injections to animals  
9 all the time?

10 A. Yes.

11 Q. You did say -- and I made the mistake -- that Geoffrey  
12 Vernon is a veterinarian; am I correct?

13 A. Correct.

14 Q. And when asked about the relationship between Dr. Vernon  
15 and Dr. Fishman, could you please explain again what the nature  
16 of their relationship was?

17 A. Geoff was a client of Seth's, but they would also  
18 collaborate on specific products that Geoff would want and  
19 need.

20 MR. SERCARZ: Thank you. Thank you. Nothing further.

21 THE COURT: Put your mask on. Thank you.

22 Anything further, Mr. Fasulo?

23 MR. FASULO: Nothing, Judge.

24 THE COURT: All right.

25 MR. ADAMS: Nothing here, your Honor.



M1LPFIS6

Adams - Recross

1 THE COURT: All right. Ms. Adams, thank you very much  
2 for your time. You are excused.

3 THE WITNESS: All right. Thank you, your Honor.

4 (Witness excused)

5 THE COURT: Ms. Dempsey, do you want to disconnect the  
6 screen.

7 Mr. Adams, your next witness.

8 MR. ADAMS: Yes, your Honor. The government calls  
9 Angela Jett, and while she is brought to the witness stand, the  
10 government intends to play one additional exhibit, an audio  
11 exhibit that's already in evidence, as she's brought up. And  
12 with permission, I would just bring up to the witness stand one  
13 document that I'll have Ms. Jet identify.

14 THE COURT: That's fine. In terms of the recording  
15 you want to play, is there a transcription?

16 MR. ADAMS: There is. It's also in evidence.

17 THE COURT: All right. Mr. Adams, is this your  
18 witness? Are you Ms. Jett?

19 THE WITNESS: Yes.

20 THE COURT: If you just take the witness stand, and as  
21 soon as we're ready, I'll ask Ms. Dempsey to administer the  
22 oath. All right?

23 MR. ADAMS: Thank you, your Honor. Since the witness  
24 is here, I'll just proceed with Ms. Jett, and I'm going to  
25 bring up the document.



M1LPFIS6

Jett - Direct

1 THE COURT: You just hold onto it until you're asked  
2 to do something with it, and my courtroom deputy Ms. Dempsey  
3 will swear you in.

4 ANGELA JETT,

5 called as a witness by the Government,

6 having been duly sworn, testified as follows:

7 THE DEPUTY CLERK: Please state and spell your name  
8 for the record.

9 THE COURT: Yes, and you can remove your mask while  
10 you're in the enclosure.

11 THE DEPUTY CLERK: State and spell your name.

12 THE WITNESS: Angela Jett, A-n-g-e-l-a, Jett, J-e-t-t.

13 THE COURT: All right. You may be seated.

14 Ms. Dempsey, the microphone on in the witness stand?

15 All right. Mr. Adams.

16 MR. ADAMS: Thank you, your Honor.

17 DIRECT EXAMINATION

18 BY MR. ADAMS:

19 Q. Good afternoon, Ms. Jett.

20 A. Good afternoon.

21 Q. Where are you currently employed?

22 A. I am currently not employed. I'm retired.

23 Q. And where were you formerly employed?

24 A. I was employed by the FBI.

25 Q. What was your title at the FBI?

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Jett - Direct

1 A. I was a special agent.

2 Q. For how long were you a special agent with the FBI?

3 A. 25 years.

4 Q. And while you were with the FBI, were you assigned to any  
5 particular field offices?

6 A. I was assigned to the New York City office, first; then the  
7 Long Island RA for 14, and then the Brooklyn Queens office for  
8 five.

9 Q. Thank you. And I'm sorry, could you tell us the  
10 approximate time that you were working on Long Island?

11 A. Fourteen years.

12 Q. From when to when approximately?

13 A. Probably 1997, '98 until 2010.

14 Q. And while you were at the Long Island office, did you have  
15 any particular subject matter that was the focus of your  
16 investigations?

17 A. Yes. I did securities fraud.

18 Q. And without getting into the substance, did there come a  
19 time that you were involved in the investigation of an  
20 individual named David Brooks?

21 A. Yes.

22 Q. And at a high level, what was the nature of the Brooks  
23 investigation?

24 A. It was an accounting fraud, securities fraud.

25 Q. Was the focus of that investigation in any way related to



M1LPFIS6

Jett - Direct

1 the misbranding of drugs?

2 A. No.

3 Q. Was the focus of that investigation in any way related to  
4 corruption within the world of professional horseracing?

5 A. No.

6 Q. Approximately when did you begin your investigation of the  
7 Brooks' matter?

8 A. I believe in 2004, possibly.

9 Q. And roughly how long did that investigation last?

10 A. Probably like five years, six years.

11 Q. In the course of that investigation, did there come a time  
12 that you spoke with an individual named Seth Fishman?

13 A. Yes.

14 Q. And approximately in what year did you first speak to Seth  
15 Fishman?

16 A. I believe the first time was in 2009.

17 Q. And approximately how many times in the course of that  
18 investigation did you speak with Seth Fishman?

19 A. I would say about six times at most, and at least two of  
20 them by phone, those were by phone.

21 Q. Now, directing you to March 6th of 2010, did you speak with  
22 Seth Fishman on that day?

23 A. Yes.

24 Q. As you sit here today, do you accurately recall what Seth  
25 Fishman told you on March 6th of 2010?



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Jett - Direct

1 A. No.

2 Q. Could I ask you now to look at what has been put in front  
3 of you?

4 MR. ADAMS: This is just for the witness and, your  
5 Honor, I'll pass you up a copy.

6 THE COURT: Thank you.

7 MR. ADAMS: Marked as -- this is 3500 material --  
8 3520-02 is the document.

9 BY MR. ADAMS:

10 Q. And, Ms. Jett, I'm going to ask you to turn to the second  
11 page, please?

12 A. Okay.

13 Q. And if you could please look at the second page, the third  
14 page and the fourth page, and let me know when you've finished.

15 A. Okay.

16 Q. Having looked at 3520-02, the second, third and fourth  
17 pages, do you now have, without looking at the document, an  
18 accurate recollection of what Seth Fishman told you on  
19 March 6th, 2010?

20 A. No.

21 Q. At the time -- do you recognize the document that you just  
22 looked at?

23 A. Yes.

24 Q. What is the document, without its substance?

25 A. These are my handwritten notes of a phone call that I had



M1LPFIS6

Jett - Direct

1 with the prosecutor and Seth Fishman.

2 Q. How do you recognize those notes?

3 A. Because it's my handwriting.

4 Q. Okay. At the time that you made these notes, were you --  
5 was this at a time that you were involved in the Brooks  
6 investigation?

7 A. Yes, we were on trial at this time.

8 Q. And at the time that you made these notes, were you  
9 personally hearing information being provided by Seth Fishman?

10 A. Yes.

11 Q. At the time that you made these notes, did you take the  
12 notes contemporaneously with the conversation?

13 A. Yes.

14 Q. When you took these notes, this was part of your job as a  
15 special agent; is that correct?

16 A. Yes.

17 Q. Was accuracy in note taking important at that point?

18 A. Yes.

19 Q. Would you use your notes and notes of this kind in  
20 furtherance of your job in 2010?

21 A. Yes.

22 Q. And at the time that you took these notes, did these notes  
23 accurately reflect the content of your interview with Seth  
24 Fishman?

25 A. Yes.



M1LPFIS6

Jett - Direct

1 MR. ADAMS: Your Honor, with that, and pursuant to  
2 803.5, I'd ask that the Court allow Ms. Jett to read certain  
3 portions of this document into the record.

4 MR. SERCARZ: No objection.

5 THE COURT: It will be admitted.

6 MR. ADAMS: Thank you. And, your Honor, I'm only  
7 having her read this into the record.

8 THE COURT: You're not offering the document itself?

9 MR. ADAMS: Correct. Thank you, your Honor.

10 BY MR. ADAMS:

11 Q. Ms. Jett, if I could direct you to the first page of these  
12 notes, the bottom paragraph?

13 A. Okay.

14 Q. Can you please read your notes into -- for the jury,  
15 slowly, please?

16 A. With regard to horses, Seth and Brooks brought a lot of  
17 product into the U.S. via FedEx. Seth had it mailed to Brooks'  
18 house, once to Terry Brooks' attention. Vitamins and  
19 supplements for horses. They were not FDA approved to be  
20 shipped to the U.S.

21 Q. And, Ms. Jett, in the course of your investigation of the  
22 Brooks affair, who was Terry Brooks?

23 A. Terry Brooks was David Brooks' wife.

24 Q. And you referred to Seth and Brooks brought a lot of  
25 product into the U.S., who is "Brooks" in that phrase?



M1LPFIS6

Jett - Direct

1 A. David Brooks.

2 Q. Okay.

3 THE COURT: Mr. Adams, can you take the mask off so we  
4 hear you a little more clearly?

5 MR. ADAMS: I apologize, your Honor.

6 THE COURT: That's all right. I appreciate you trying  
7 to be careful with the protocol.

8 MR. ADAMS: Unfortunately, it becomes second nature to  
9 keep the mask on.

10 THE COURT: Yes. It's a sad commentary on our times.

11 BY MR. ADAMS:

12 Q. Ms. Jett, if you could turn the page now to the -- the next  
13 page and read from the top, the first paragraph, please?

14 A. Okay. Pre-race, giving a horse a product before a race  
15 that is not accepted medication. Seth supplied these products  
16 to Brooks, who would give it to his trainer. Seth has also  
17 dealt with Brooks' trainers, like Carl Conti.

18 Q. Carl Conti?

19 A. Mmm, hmm.

20 Q. Thank you.

21 A. Brooks would instruct his trainers, which is in violation  
22 of the Race Commission, to give his horses pre-race shots.  
23 Brooks had offered to use his plane to transport the product  
24 H. growth hormone, HGH.

25 Doping, legal and illegal, done both ways to increase



M1LPFIS6

Jett - Direct

1 the red blood cell count. Brooks illegal use of Epogen, he  
2 provides this for Brooks. Brooks has also gotten it from  
3 others as well. Brooks' horses do not test positive because  
4 they do not test for the right drugs. Seth can identify drugs  
5 that could be tested or in previous samples taken of Brooks'  
6 horses at the track. Brooks is well aware of everything going  
7 on with his pre-race and illegal doping of his own horses. It  
8 is done at his direction.

9 Q. Thank you. And if you could turn to the next page, and if  
10 you could please read again slowly from the top to the end?

11 A. Yes. Seth recalled once Brooks wanted him to give Lloyd  
12 Arnold's horse something that would slow him down, so he could  
13 win a race. Seth would not do it. Brooks said he was not a  
14 team player. J. Brooks would bet on races. They would bet  
15 their horses. J. Brooks -- I'm sorry, JB would call it in.

16 THE COURT: I'd like to clarify one thing for the  
17 record.

18 MR. ADAMS: Certainly, your Honor.

19 THE COURT: I don't believe the witness said  
20 "estrogen." Let her read it off the document.

21 Q. Certainly. Ms. Jett, if you could turn back to the second  
22 page that you read.

23 A. Epogen, E-p-o-g-e-n.

24 MR. ADAMS: Thank you. And thank you, your Honor. No  
25 further questions for Ms. Jett.



M1LPFIS6

Jett - Cross

1 THE COURT: Any cross?

2 MR. SERCARZ: Yes, your Honor, but may I indulgent for  
3 a moment and see the document that Agent Jett has in front of  
4 her? Do you have a hard copy?

5 THE COURT: Just for the record, this was produced to  
6 the defendants, right, Mr. Adams?

7 MR. ADAMS: Correct, your Honor.

8 THE COURT: Thank you.

9 MR. SERCARZ: May I please have a moment, your Honor?  
10 I apologize.

11 THE COURT: Sure.

12 (Pause)

13 CROSS-EXAMINATION

14 BY MR. SERCARZ:

15 Q. Agent Jett, I believe you told us that you do not have a  
16 good memory of the interviews that you conducted with  
17 Dr. Fishman; is that correct?

18 A. That's correct.

19 Q. And that even after looking at the notes of your  
20 interviews, they do not refresh your recollection; is that  
21 correct?

22 A. That's correct.

23 Q. Now, there came a time when you had conversations with  
24 Dr. Fishman; is that correct?

25 A. Yes.



M1LPFIS6

Jett - Cross

1 Q. And do you recall the year in which those conversations  
2 took place?

3 A. Yes.

4 Q. When was that?

5 A. We interviewed him during the trial.

6 Q. And the trial took place, the best of your recollection?

7 A. 2010.

8 Q. The events about which you were interviewing Dr. Fishman,  
9 when did they take place?

10 A. Probably prior, like five or six years prior.

11 Q. All right. In other words, when my client spoke to you, he  
12 was speaking to you about events that had occurred five years  
13 earlier; am I correct?

14 A. Yes.

15 Q. All right. And am I correct to say that when Dr. Fishman  
16 spoke to you, he didn't tell you whether he had a  
17 contemporaneous memory of the events that he was describing,  
18 did he?

19 A. No.

20 Q. Dr. Fishman told you that there came a time when he learned  
21 that David Brooks was having his trainer administer performance  
22 enhancing substances to the horses; am I correct?

23 A. If that's what's reflected in my notes that I read, yes.

24 Q. But your notes do not indicate, do they, whether  
25 Dr. Fishman learned about the use of these drugs at the time he



M1LPFIS6

Jett - Cross

1 gave them to David Brooks or after the fact; am I correct?

2 A. Can you repeat that?

3 Q. Yes.

4 MR. SERCARZ: May I have it reread?

5 (Record read)

6 A. I think I'm not following your question. He's  
7 describing -- he's articulating to me his relationship with  
8 David Brooks, to his recollection.

9 Q. He's describing his recollection of having provided these  
10 substances to Mr. Brooks, correct?

11 A. Yes.

12 Q. He is providing his recollection of what Mr. Brooks did  
13 with these substances; am I correct?

14 A. Yes, and what he did with them as well.

15 Q. But he did not tell you whether the substances that  
16 Mr. Brooks provided to his trainer, Mr. Conti, whether Fishman  
17 learned about that contemporaneously or after the fact; isn't  
18 that correct?

19 A. Yes, I couldn't tell.

20 Q. To the best of your recollection, if you have one, was  
21 Mr. Fishman speaking to you pursuant to any sort of an immunity  
22 agreement?

23 A. At this time?

24 Q. Yes.

25 A. No.



M1LPFIS6

Jett - Cross

1 Q. All right. And indeed, if he had been, the FBI would have  
2 some record of it; am I correct?

3 A. Yes.

4 Q. As far as you know, he was appearing voluntarily; am I  
5 correct?

6 A. Yes.

7 Q. As a witness against Mr. Brooks; am I correct?

8 A. Yes.

9 Q. He told you, on at least one occasion, that Mr. Brooks  
10 asked him to administer drugs to a racehorse and he refused?

11 A. Yes.

12 Q. Isn't that correct?

13 A. Yes.

14 Q. Final line of questioning. Do you recognize anyone in this  
15 courtroom?

16 A. No.

17 Q. When David Brooks went to trial, there was a co-defendant  
18 in the case; am I correct?

19 A. Yes.

20 Q. Her name was Sandra Hatfield; am I correct?

21 A. Yes.

22 Q. She was represented by two lawyers; am I correct?

23 A. Yes.

24 Q. One of them was this skinny guy with a large nose; am I  
25 correct?



M1LPFIS6

Jett - Redirect

1 A. Yes.

2 MR. ADAMS: Objection, relevance.

3 Q. It's nice to see you again, Agent.

4 A. Nice to see you.

5 THE COURT: Put your mask on, please.

6 MR. SERCARZ: Yes, your Honor.

7 THE COURT: Over the big nose.

8 MR. SERCARZ: Thank you, your Honor.

9 (Laughter)

10 Thank you.

11 THE COURT: Mr. Fasulo, any questions?

12 MR. FASULO: No, your Honor.

13 THE COURT: Any further redirect?

14 MR. ADAMS: Very briefly.

15 REDIRECT EXAMINATION

16 BY MR. ADAMS:

17 Q. Agent Jett, or former Special Agent Jett, you were just  
18 asked a moment ago whether Mr. Fishman spoke to you without  
19 protection from under any sort of immunity agreement; do you  
20 recall this question?

21 A. Yes.

22 Q. And he talked to you about legal and illegal doping while  
23 speaking to you, correct?

24 A. Yes.

25 Q. Did he also speak to you about any other illegal activity



M1LPFIS6

Jett - Redirect

1 that he was involved in without protection, if you recall?

2 A. Yes.

3 Q. And what was the other illegal activity that he was  
4 involved in?

5 MR. SERCARZ: Objection, beyond the scope of the  
6 cross.

7 THE COURT: I'd like you up here, sidebar, please.

8 (Continued on next page)



M1LPFIS6

Jett - Redirect

1 (At the side bar)

2 THE COURT: I just need to know where you're going  
3 with this, and I don't want it on the record for everyone.

4 MR. ADAMS: Certainly. Mr. Sercarz, both with  
5 Ms. Adams and again just now, had questions about speaking to  
6 agents without protection and plainly eliciting a line of  
7 questions about state of mind with respect to speaking to this  
8 agent without protection, suggesting that, in talking about his  
9 doping activities, he must have not believed it was illegal.

10 Mr. Fishman also spoke to this agent about other  
11 illegal activity that he was involved, including providing  
12 marijuana to Mr. Brooks' children, as well as his involvement  
13 in assisting Mr. Brooks with things like money laundering.

14 THE COURT: I'm not getting the relevance.

15 MR. ADAMS: Well, to the extent that Mr. Fishman -- if  
16 the point is that Mr. Fishman couldn't have believed he was  
17 doing something illegal because he told this to the agent  
18 without any immunity, then there's no question that he  
19 understands that providing pot to minors is an illegal activity  
20 and that he also spoke to that.

21 THE COURT: It says that right in the document I  
22 think.

23 MR. ADAMS: Yes.

24 MR. SERCARZ: I've advised the Court, your Honor, that  
25 I do not intend to pursue any sort of a defense involving



M1LPFIS6

Jett - Redirect

1 entrapment by estoppel. I do not intend to argue that based  
2 upon this encounter, my client felt he was at liberty to  
3 continue the same behavior.

4 THE COURT: You clearly said in your opening what is  
5 his state of mind, and now you're implying that he wouldn't  
6 have done this and talked to an agent about it freely if he  
7 understood that it was illegal. So you have tried to create  
8 the impression, the negative impression, that by having this  
9 agreement, his state of mind was that there was nothing illegal  
10 about what happened he was doing. That's clearly the  
11 impression you were trying to leave; so I'm going to allow it.

12 MR. SERCARZ: Judge --

13 MR. FERNICH: Judge --

14 MR. SERCARZ: If I may, the impression that I was  
15 trying to leave is that, according to the evidence that has  
16 been adduced, there is no evidence that my client confessed to  
17 having provided performance enhancing drugs with  
18 contemporaneous knowledge that they would be given to the  
19 horses.

20 THE COURT: That wasn't by implication. You asked  
21 that directly.

22 MR. SERCARZ: Yes.

23 THE COURT: Right. But then you asked about, did he  
24 go in and talk with the promise of immunity? The only purpose  
25 for that could be you're trying to create inferences with



M1LPFIS6

Jett - Redirect

1 regard to intent. So the government is entitled to try to  
2 rebut that inference that you've tried to create.

3 MR. SERCARZ: The inference that I sought to create  
4 was that the drugs that were administered to the horses were  
5 administered to the horses without my client's knowledge.

6 THE COURT: Well, that's not the inference. You asked  
7 that directly, and then you asked about the proffer agreement.  
8 I'm not hearing from two lawyers for one party.

9 MR. FERNICH: Yes, can I speak to Mr. Sercarz?

10 THE COURT: Yes, but also, the rule is one lawyer  
11 comes up here, not both of you.

12 MR. FERNICH: Sure. I wasn't clear on that. I'll  
13 just speak to Mr. Sercarz at the side and then come back.

14 THE COURT: Go ahead.

15 MR. FASULO: I'd like to make my application so we can  
16 move it along, Judge.

17 THE COURT: I know.

18 MR. FASULO: I understand.

19 THE COURT: All right. Gentlemen, we've got to move  
20 this along. Mr. Fasulo has a separate application.

21 MR. SERCARZ: Mr. Fernich makes, for my benefit, the  
22 valid point that any witness is subjected to a Giglio review  
23 and is required to reveal his prior bad acts, No. 1.

24 And No. 2, this is going to prompt seriatim bouts of  
25 redirect about these issues which are, A, collateral, and B, I



M1LPFIS6

Jett - Redirect

1 did not elicit on my cross-examination.

2 THE COURT: All right. You made your record.

3 MR. FASULO: Judge, so I understand the problem here,  
4 but as to Ms. Giannelli, I think the prejudice of the fact  
5 outweighs its probative value. Unless there's a curative  
6 instruction, none of this testimony is -- because one of the  
7 things -- the defense case in this case is, who is Dr. Fishman  
8 to Ms. Giannelli? This additional information comes out as if  
9 to put a light on Dr. Fishman in a public way that maybe  
10 Ms. Giannelli should have known about, which obviously she  
11 didn't --

12 THE COURT: I'm prepared to give a limiting  
13 instruction --

14 MR. FASULO: I'm fine then.

15 THE COURT: -- that the questioning that I'm going to  
16 permit is admitted with regard to Dr. Fishman only and not  
17 Ms. Giannelli.

18 MR. ADAMS: Yes.

19 MR. FASULO: I'm fine with that, Judge.

20 THE COURT: All right.

21 (Continued on next page)  
22  
23  
24  
25



M1LPFIS6

Jett - Redirect

1 (In open court)

2 THE COURT: All right. Ladies and gentlemen, I'm  
3 going to allow Mr. Adams to pursue this line in very limited  
4 fashion, but I first want to give you an instruction.

5 This line of questioning and the answers, frankly,  
6 because the questions are not evidence -- remember, I told you  
7 that -- the answers to this line of questioning are being  
8 admitted solely with respect to Dr. Fishman and have no  
9 relevance to your determination with respect to Ms. Giannelli.

10 MR. ADAMS: Thank you, your Honor.

11 THE COURT: Mr. Adams.

12 BY MR. ADAMS:

13 Q. Ms. Jett, I was asking whether you have today any present  
14 recollection, without review of the document, of any further  
15 illegal activity that Seth Fishman admitted to you during your  
16 interview on March 6th, 2010?

17 A. Yes, but I've read it. I don't have an independent  
18 recollection of it. I recall it when I read it.

19 Q. Okay. And you're referring to reading it on the same notes  
20 we discussed earlier?

21 A. Yes.

22 Q. Okay. I'd ask that the witness be permitted to begin  
23 reading at the top of the same document?

24 THE COURT: I'm going to ask you to clarify because  
25 she said when she read it, she now has a recollection.



M1LPFIS6

Jett - Redirect

1 Q. I'm sorry. Ms. Jett, do you currently, without looking at  
2 that document, have a recollection of what Seth Fishman told  
3 you on that day?

4 A. No.

5 MR. ADAMS: Thank you, your Honor.

6 Q. Ms. Jett, if you could please read from the top line of the  
7 first paragraph through the end of the third paragraph?

8 A. SF has smoked pot with Andrew and Victoria Brooks. David  
9 can't smoke pot, it does not mix well with Ativan. D. Brooks  
10 has asked Seth to get pot for Andrew for school to smoke with  
11 his friends. Seth gave it to him and did not sell it to him.  
12 The pot was quality stuff. When Seth was with them in San  
13 Tropez, Andrew and Victoria were partying a lot. Before the  
14 trip, Brooks asked him to get him pot so they could bring it  
15 with them for his kids.

16 Q. Thank you. Ms. Jett, from your investigation of the Brooks  
17 affair, do you recall who Andrew and Victoria Brooks are?

18 A. They are his children.

19 MR. ADAMS: No further questions, your Honor.

20 THE COURT: Wait a second, Mr. Sercarz. Let Mr. Adams  
21 clear the booth so we follow the protocol. All right?

22 MR. SERCARZ: Yes, ma'am.

23 THE COURT: All right. Whenever you're ready,  
24 Mr. Sercarz. Thank you.

25 RECROSS EXAMINATION



M1LPFIS6

Jett - Recross

1 BY MR. SERCARZ:

2 Q. Agent Jett, at the time that you interviewed my client,  
3 Dr. Fishman, was it standard procedure that before an  
4 individual could be used as a witness on behalf of the  
5 government, you conducted what is called a Giglio --  
6 G-i-g-l-i-o, for the reporter -- review?

7 MR. ADAMS: Objection, relevance.

8 THE COURT: No, I'm going to allow it.

9 A. Yes.

10 Q. And would it be fair to say that this review requires the  
11 witness to elicit any prior bad acts or misconduct in which he  
12 or she engaged?

13 A. Yes.

14 Q. And if you recall, was it in response to that Giglio  
15 interview that you elicited the information that you've just  
16 described?

17 A. Yes.

18 MR. SERCARZ: Thank you. No further questions.

19 THE COURT: Put your mask on, please, before you leave  
20 the booth.

21 MR. SERCARZ: I'm sorry, your Honor.

22 THE COURT: All right. Anything from you, Mr. Fasulo?

23 MR. FASULO: Nothing, Judge.

24 THE COURT: No redirect?

25 MR. ADAMS: No redirect.



M1LPFIS6

Jett - Recross

1 THE COURT: All right. Thank you very much, Special  
2 Agent Jett.

3 (Witness excused)

4 Mr. Adams?

5 MR. ADAMS: Your Honor, one moment, your Honor.

6 THE COURT: Yes.

7 MS. MORTAZAVI: Your Honor, we call Mr. Dan Folensbee  
8 to the stand.

9 THE COURT: All right. Is the witness here?

10 MS. MORTAZAVI: He is, your Honor. He's been waiting  
11 in a room outside the courtroom, and if the Court would permit  
12 me to approach the booth, I'd like to place the binder of  
13 exhibits.

14 THE COURT: Yes. And can I ask, before the witness  
15 comes up, let Ms. Mortazavi put a book up there. And can I ask  
16 your team if someone can please help me find the book? If  
17 that's you, Mr. Chow, it's all right for you to come up here.

18 MS. MORTAZAVI: And, your Honor, for the record, I'm  
19 going to hand up photocopies of the same exhibits in that book.

20 THE COURT: Okay. So I don't need a book; you're  
21 going to hand me them?

22 MS. MORTAZAVI: Yes, your Honor.

23 THE COURT: All right. Thank you. You can hand them  
24 up to Ms. Dempsey, then. Thank you.

25 All right. Ms. Dempsey, would you swear our witness,



M1LPFIS6

Folensbee - Direct

1 please.

2 DANIEL FOLENSBEE,

3 called as a witness by the Government,

4 having been duly sworn, testified as follows:

5 THE DEPUTY CLERK: Would you please state and spell  
6 your name for the record.

7 THE WITNESS: Daniel Folensbee. That's D-a-n-i-e-l,  
8 last name, F-o-l-e-n-s-b-e-e.

9 MS. MORTAZAVI: Thank you. Mr. Folensbee, could you  
10 please take a seat.

11 DIRECT EXAMINATION

12 BY MS. MORTAZAVI:

13 Q. Mr. Folensbee, you may want to pull the microphone closer  
14 to you just to make sure that everybody in the courtroom can  
15 hear you.

16 THE COURT: Right. And just to orient you, sir, this  
17 is our jury here. Okay?

18 Ms. Mortazavi.

19 MS. MORTAZAVI: Thank you, your Honor.

20 BY MS. MORTAZAVI:

21 Q. Mr. Folensbee, can you tell us where you work?

22 A. I work for the FBI in Redstone Arsenal in Huntsville,  
23 Alabama.

24 Q. And what position do you hold with the FBI?

25 A. I'm a staff operations specialist and formerly an evidence



M1LPFIS6

Folensbee - Direct

1 response team member.

2 Q. And how long have you held that position with the FBI?

3 A. Since October of 2016.

4 Q. Where did you work prior to joining the FBI?

5 A. Public supermarkets.

6 Q. Sir, I'd like to direct your attention to October 27th,  
7 2019. Were you asked to perform anything that day in relation  
8 to your work at the FBI?

9 A. Yes. I was asked to be the photographer for a search  
10 location.

11 Q. What was that location?

12 A. It was 3500 Northwest 2nd Avenue, Unit 723, Boca Raton,  
13 Florida.

14 Q. And was that premises located within a larger property?

15 A. Yes, it was.

16 Q. Can you describe the property surrounding the premises that  
17 was searched?

18 A. Yes. It was a -- somewhat of a warehouse complex, and the  
19 search location was one unit inside of that complex.

20 Q. And the interior of the premises itself, could you describe  
21 what that appeared to be?

22 A. Yes. It was a makeshift office, slash, storage facility.

23 Q. And during the search, were there others present?

24 A. Only law enforcement personnel.

25 Q. Approximately how many law enforcement personnel?



M1LPFIS6

Folensbee - Direct

1 A. About ten to 20.

2 Q. Do you recall at approximately what time the search  
3 started?

4 A. Yes, about 12:00 a.m. on the 28th of October 2019.

5 Q. Okay. Mr. Folensbee, in front of you is a binder that  
6 contains a series of government exhibits that have been marked  
7 Government Exhibit 4000 to 4047. Sir, have you reviewed those  
8 exhibits before today?

9 A. Yes, I have.

10 Q. Do you recognize them?

11 A. Yes, I do.

12 Q. What are they?

13 A. They are the photos that I took at the search location.

14 Q. And how do you know that?

15 A. I was the one that took the photos.

16 MS. MORTAZAVI: All right. The government moves to  
17 admit Government Exhibits 4000 to 4047?

18 THE COURT: They will be received.

19 (Government's Exhibits 4000 to 4047 received in  
20 evidence)

21 MS. MORTAZAVI: Thank you, your Honor.

22 And, Ms. Jung, can we please publish Government  
23 Exhibit 4000.

24 And let me confirm that the jury is able to see the  
25 exhibits?



M1LPFIS6

Folensbee - Direct

1 THE COURT: None of us can. Oh, you all can? No,  
2 it's not up on mine yet either.

3 MS. MORTAZAVI: All right. I see nodding heads.

4 BY MS. MORTAZAVI:

5 Q. Mr. Folensbee --

6 THE COURT: Hold on. Can the jurors in the back see?  
7 All right. Thank you all.

8 I'm sorry, Ms. Mortazavi. Go ahead.

9 BY MS. MORTAZAVI:

10 Q. Mr. Folensbee, can you tell us what is depicted in  
11 Government Exhibit 4000?

12 A. Yes. This is the entry way to unit 723 of the search  
13 location.

14 Q. Okay. Ms. Jung, can we pull up Government Exhibit 4030.

15 Could you tell us what's depicted here?

16 A. Yes, this is one side of the search location. This was  
17 more the office side of it.

18 Q. Ms. Jung, could you pull up Government Exhibit 4031.

19 Mr. Folensbee, you referred previously to the office  
20 side of the premises. Was this government exhibit the office  
21 side of the premises?

22 A. This was more the storage location, to my knowledge.

23 Q. Okay. And, Ms. Jung, could you please pull up Government  
24 Exhibit 4032.

25 Mr. Folensbee, what does this depict?



M1LPFIS6

Folensbee - Direct

1 A. This is the storage area of the location.

2 Q. And, sir, you see on those racks what there appear to be  
3 some blue translucent containers and some transparent white  
4 containers?

5 A. Yes.

6 Q. Did you take additional photos of all of those items?

7 A. Yes, I did.

8 Q. Ms. Jung, could you please pull up Government Exhibit 4010.

9 Could you tell us what's depicted here Mr. Folensbee?

10 A. This is one of the evidence items that we collected. It's  
11 a vial of what appear to be narcotics.

12 (Continued on next page)

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MLTFIS7

Folensbee - Direct

1 BY MS. MORTAZAVI:

2 Q. Could you please read the label starting with product name  
3 and the directions.

4 A. Yes, it's pain B, the directions are intravenous  
5 administration, and it's for strenuous exercise.

6 MS. MORTAZAVI: All right. Ms. Jung, please pull up  
7 Government Exhibit 4016.

8 Q. Sir, is this another one of the vials that you photographed  
9 during the search that you described?

10 A. Yes, it is.

11 Q. Could you please read the name of this particular vial as  
12 well as the caption underneath it.

13 A. Yes, it is Equiscience and it's equine growth hormones.

14 MS. MORTAZAVI: And Ms. Jung, please pull up  
15 Government Exhibit 4018.

16 Q. Mr. Folensbee, what is depicted in this exhibit?

17 A. This is Toltrazuril.

18 Q. Is that the product Toltrazuril?

19 A. Yes.

20 Q. Do you see here it lists EXP date?

21 A. Yes.

22 Q. Could you read the date?

23 A. The manufacturer date is May 6, 2013.

24 Q. And EXP date under that?

25 A. That is May 5, 2016.



M1LTFIS7

Folensbee - Direct

1 Q. When did your search take place?

2 A. October 28 of 2019.

3 Q. What's the gross weight that's listed on this particular  
4 item that you photographed?

5 A. 28 kilograms.

6 MS. MORTAZAVI: Ms. Jung, please pull up Government  
7 Exhibit 4021.

8 Q. Mr. Folensbee, do you see here there appears to be a  
9 shipping label attached to this particular -- I'm going to call  
10 it a tub?

11 A. Yes.

12 Q. And underneath "ship to," could you please read the name  
13 and address?

14 A. Seth Fishman at 2565 South Ocean Drive, Highland Beach,  
15 Florida.

16 Q. Is there a company name also associated with that address?

17 A. Yes, Equestology.

18 Q. Does it appear above that there's another name and address  
19 that's listed?

20 A. Yes, first name Lisa.

21 Q. And Mr. Folensbee, if you wait one moment, I believe we'll  
22 be able to pull it up.

23 If you could read that name and address again.

24 A. Lisa Ranger to Equestology, 125 Jennifer Lane.

25 Q. And the city and state?



MLTFIS7

Folensbee - Direct

1 A. Felton, Delaware.

2 Q. Thank you.

3 MS. MORTAZAVI: Ms. Jung, if you could go back to the  
4 original exhibit.

5 Q. And sir, does it appear that there's both a Fed Ex and a  
6 UPS ground label attached to this particular exhibit?

7 A. Yes, there is.

8 MS. MORTAZAVI: Ms. Jung, please pull up Government  
9 Exhibit 4022.

10 Q. Mr. Folensbee, what is depicted here?

11 A. These are labels that were used to put on various vials and  
12 tubs.

13 Q. The labels that are pictured here, is that how you found  
14 them at the location?

15 A. Yes.

16 MS. MORTAZAVI: And Ms. Jung, looking at the third  
17 label from the top that's green, could you please zoom in on  
18 that particular portion.

19 Q. And Mr. Folensbee, could you read the product name and the  
20 directions.

21 A. Yes, it is called HP bleeder plus, it's a homeopathic  
22 bleeder plus analgesic. The directions are to administer 10  
23 CCs IV or administer five to six hours before exercise.

24 Q. And underneath that?

25 A. This product contains no known testable ingredients.



M1LTFIS7

1 Q. And if you could read the ingredients themselves.

2 A. It says a proprietary blend of homeopathic and complex  
3 amino acid structures.

4 MS. MORTAZAVI: Ms. Jung, if we could go back to the  
5 original exhibit, I'm going to ask you to zoom in on the third  
6 label from the bottom that appears to be a white label.

7 Q. Mr. Folensbee, could you again read the product name and  
8 the directions here.

9 A. Yes, it is a homeopathic analgesic, the directions are to  
10 administer 2 CCs intravenously only six hours prior to  
11 strenuous exercise.

12 Q. And sir, is there a company name associated with this  
13 product that appears on the label?

14 A. Yes, SPC or Specialized Performance Compounds.

15 Q. Do you see the name Equestology on this label?

16 A. I do not, no.

17 MS. MORTAZAVI: Your Honor, thank you for the Court's  
18 indulgence. I see that it is 4:30. This seems like a natural  
19 breaking point.

20 THE COURT: You're not going to be able to finish in  
21 short order?

22 MS. MORTAZAVI: If I could confer with defense  
23 counsel, it's possible that we could finish today and relieve  
24 the witness before the weekend.

25 THE COURT: Why don't you all talk and report back to



M1LTFIS7

1 me then I will ask our jurors.

2 (Pause)

3 MS. MORTAZAVI: Your Honor, this appears to be a  
4 natural breaking point, but we will be recalling the witness on  
5 Monday.

6 THE COURT: So sir, you may step down, but please bear  
7 in mind that you remain under oath. You may not speak with any  
8 of the lawyers for the government over the weekend about your  
9 testimony.

10 THE WITNESS: Yes, ma'am.

11 THE COURT: Thank you for being here.

12 All right. Ladies and gentlemen, we're going to break  
13 at this point then. I promised you I would aim to get you out  
14 by about 4:30 every day. What I talked to the lawyers about is  
15 if we could move things along by asking you to stay a few extra  
16 minutes we would do that, but it appears they will not be able  
17 to wrap things up, there's no reason for me imposing on you, so  
18 we'll break for the day.

19 JUROR: Thank you.

20 THE COURT: I just remind you, please do not speak to  
21 anyone about this case over the weekend or at all until you  
22 finally deliberate, and I just remind you that that does  
23 include talking with your family and your friends about the  
24 case. Please don't do any research, don't read about the case.  
25 If any articles about the case should come to your attention,



M1LTFIS7

1 don't read them, put them aside, but you will have to let me  
2 know about that then on Monday morning. Hopefully that won't  
3 happen. Please do your best to avoid coming into any contact  
4 with anything about this case.

5 You can leave your notebooks. Ms. Dempsey is going to  
6 take you back to the jury assembly room to pick up your  
7 belongings. You can leave them there and they will be waiting  
8 for you Monday morning.

9 I hope everyone has a nice weekend, and thank you,  
10 everybody, for your patience and attention.

11 (Jury not present)

12 THE COURT: Is there anything that we need to speak  
13 about before we adjourn?

14 MR. ADAMS: Your Honor, I heard you speak to the  
15 witness a moment ago that he couldn't speak to the government  
16 attorneys. He's still on direct examination, and we certainly  
17 don't talk to a witness once he's on cross-examination. We  
18 take notes on preparation when people are still on direct. I  
19 don't know that we will speak to this witness while he's on  
20 direct.

21 THE COURT: You shouldn't be speaking to a witness  
22 once he's under oath. You shouldn't.

23 Anything else?

24 MR. FASULO: Nothing for defendant Giannelli, your  
25 Honor.



M1LTFIS7

1 MR. SERCARZ: Nothing for me.

2 THE COURT: I hope you have a nice weekend. I know  
3 it's been a long week and you have all been patient with the  
4 process, which was somewhat tedious, but thank you all. Have a  
5 good weekend, everyone. I'll see you Monday morning then.

6 Assuming there's nothing we need to talk about, I will  
7 see you at 9:15, we'll be ready to start at 9:30. If there is  
8 anything, you need to email it to the chambers' email so I know  
9 to meet you earlier and I will let you know what time to meet,  
10 but otherwise we will see everyone at 9:15.

11 Have a good weekend everyone.

12 MR. ADAMS: Thank you, your Honor.

13 (Adjourned to January 24, 2022 at 9:15 a.m.)  
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